



**REGULAR MEETING OF THE COMMON COUNCIL
MIDDLETOWN, CONNECTICUT
OCTOBER 7, 2013**

Regular Meeting

A Regular Meeting of the Common Council of the City of Middletown was held in the Council Chamber of the Municipal Building, on Monday, October 7, 2013 at 7 p.m.

Present

Mayor Daniel T. Drew, Council Members Thomas J. Serra, Ronald P. Klattenberg, Mary A. Bartolotta, Gerald E. Daley, Robert P. Santangelo Hope P. Kasper, Grady L. Faulkner, Jr., Philip J. Pessina, Joseph E. Bibisi, Linda Salafia, Todd G. Berch, and Deborah A. Kleckowski; Sergeant-at-Arms Det. Iodine, and Council Clerk Marie O. Norwood.

Absent

Corporation Counsel Daniel B. Ryan,

Also Present

Hartford Courant Reporter Shawn Beals, Middletown Press Reporter Alec Gecan and 30 members of the public

Meeting Called to Order

Mayor Drew calls the meeting to order at 7:01 p.m. and he asks all the Gail Petras to lead the public in the Pledge of Allegiance.

He welcomes the public to the October meeting of the Common Council.

Call of Meeting Read

The Call of Meeting was read and accepted. Mayor Drew declares the Call a Legal Call and the Meeting a Legal Meeting.

The Chair welcomes everyone to the regular meeting and thanks everyone for the well wishes he received after his shoulder surgery.

Motion to Amend Agenda

The Chair asks for a motion to accept or amend the agenda. Councilman Serra moves to substitute agenda item 9I and the item on the agenda should read \$950,000; Councilman Pessina seconds the motion. There is no further discussion. The Chair calls for the vote and it is unanimous to approve with twelve aye votes. The Chair declares the matter passes with twelve affirmative votes.

Agenda Item 3
Presentations

The Chair recognizes Councilwoman Kasper and she asks Gail Petras to come forward.

Councilwoman Kasper reads the resolution congratulating Ms Petras as the CT Municipal Animal Control Officer of the year. She congratulates Gail Petras for this honor. Some of you may not know is Gail is married to one of my cousins. She congratulates her, again. Councilwoman Kasper moves it for approval and her motion is seconded by Councilman Serra. The Chair states, without objection, the matter is approved by acclamation. Councilman Serra states it gratifies him as well, a former colleague at Vinal. He states Councilwoman Kasper's dad was the animal control officer when he first got on the Council and you are carrying on a great family tradition.

Ms Petras receives a standing ovation from the public and the Common Council. The Chair stats you get a lot of compliments on our officer and we are proud of you and you are one of the top animal control officers and Chief McKenna would like to share some words. Chief McKenna states it is not surprising anyone if he apprises the Council of the quality of this employee. She was chosen by her peers for this honor, but we are also proud. She comes to work and exceeds our expectations on a daily basis. To Gail, congratulations and well deserved and keep up the good work.

Ms Petras comes forward and thanks the Council for her recognition. It is an honor and a big surprise to me. I am passionate about my job and she hopes for better things for the Animal Control Department. Councilman Berch states congratulations and one of your toughest duties is responding and mediating complaint calls and that must be one of the toughest calls to make. We have had discussions on a shelter and he applauds that going forward. As soon as he saw the article, he asked that a resolution be done.

Councilman Pessina states Chief Brymer and I had the distinct honor to hire Gail and what validated our hiring is that her high degree of sensitivity to the people and animal owners but to the animals themselves. You exemplify

what an animal control officer is and how important it is to do the job; the City recognizes you and you are worth a lot. I am proud of you.

Councilwoman Bartolotta states congratulations and shares with everyone that four years ago Gail was kind enough to remember we lost our beloved dog Bear and she came across a Chow needing adoption and who has become part of our family. How you do your job is much appreciated by me. Congratulations.

The Chair states congratulations and thank you for your assistance.

Resolution No.	153-13
File Name	ccPetrasanimalcontroloff2013
Description	Congratulating Gail Petras on being named the Connecticut Municipal Animal Control Officer of the Year.

(Approved)

WHEREAS, Gail Petras was hired as Middletown's Animal Control Officer in May, 2004; and

WHEREAS, Gail has been named the Connecticut Municipal Animal Law Enforcement Officer of the Year by the Connecticut Municipal Animal Control Officers Association; and

WHEREAS, this award is bestowed to the Animal Control Officer who has shown outstanding work in the field of animal welfare; and

WHEREAS, the duties of animal control officers include responding and mediating animal complaint calls, investigating vicious, diseased or stray animals, maintaining a City's animal shelter, as well as arranging the return or adoption of impounded animals; and

WHEREAS, Gail handles an estimated 1,200 calls, working with a part-time assistant; she maintains the City's animal shelter, not only caring for the animals, but actively seeking adoption for those animals without owners; and

WHEREAS, she has gone above and beyond the duties of the animal control officer to place animals in good homes through advertisements as well as by setting-up and maintaining social media sites to spread the word about the pets available for adoption; her goal to provide the best services for animal welfare can be seen through her efforts to obtain a state-of-the-art regional animal shelter in Middletown.

NOW, THEREFORE, BE IT RESOLVED, BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That we congratulate Gail Petras on being named the Connecticut Municipal Animal Control Officer of the year; she is a highly respected officer who not only works to ensure the welfare of the animals in her care, but also works to ensure the wellbeing of Middletown Citizens; and this award is a reflection on Middletown and its commitment to the humane treatment of abandoned pets, strays and animals.

Meeting Recesses

Councilman Serra moves to suspend this meeting and go back to Questions to Directors. Councilwoman Kasper seconds the motion. The Chair calls for the vote and it is unanimous with twelve aye votes to go back to the previous meeting. The Chair declares the meeting recessed at 7:20 p.m.

Meeting Reconvenes

The Chair calls the regular meeting to order at 7:26 p.m.

Agenda Item	4
Description	Minutes

The minutes of the regular Common Council meeting of September 3, 2013 at 7 p.m. and Special Meetings of September 3, 2013 at 6 p.m. and September 12, 2013 at 7 p.m. having been deposited with the Mayor and Corporation Counsel and copies of the same having been served on each and every Council Member, the reading of the same having been dispensed with, Councilman Serra moves them for approval and is seconded by Councilman Santangelo. There is no discussion. The Chair calls for the vote; Council Members Klattenberg, Pessina, Bartolotta, and Serra abstain from voting on the minutes of the meeting of September 12, 2013. The Chair states the matters pass unanimously with the noted abstentions. The minutes are approved.

Public Hearing Opens – Bond Ordinance

The Chair opens the Public Hearing on the bond ordinance for \$750,000, Public Works CNR at 7:27 p.m. The Chair asks anyone wishing to speak to come forward and speak to the bond ordinance.

Ed Dypa comes forward as Chair of Senior Services; the Chair states this portion is for the bond ordinance. The Chair asks if there are any members of the public wishing to address this item. No one comes forward.

Public Hearing Closes – Bond Ordinance

The Chair closes the public hearing at 7:29 p.m.

Public Hearing Opens

The Chair opens the public hearing on all agenda items at 7:29 p.m. Mr. Dypa speaks to the ordinance for 9B and 9D. He states 9B is about the creating a new department and placing senior services into a new department. We have done it for the last seven years and it has not had problems. Ordinance 9D is eliminating the Senior Services Commission and he has concern there especially when we are in the process of getting a

new senior center and they have been looking at what to do with the new center. His concern is that Senior Services deals with more than programming, but social issues for an aging community and whoever is on the commission should work as a team to work with the new Community/Senior center and recreation. It is a lot of turf and will it be compatible. Whatever happens in that case, it should be who and what the service is. He does not believe this ordinance it is good at this particular time especially with an aging, older population. You want someone in there to represent us as humans.

Seb Giuliano comes forward to address the presentation; he is sorry Gail has left us because members of the Council and public should know her job is not all kittens and puppy dogs. A couple of years ago there was a small fire in an apartment and the tenant had a 3-1/2 foot iguana pet that got loose and our firefighters and police officers who face terrible circumstances but when faced with a 3-1/2 foot iguana did not get involved and called in Gail. Most people don't appreciate what goes into the job and he thanks the Council for honoring her and presenting it to her.

Public Hearing Closes

The Chair asks for other comments; seeing none, he closes the public hearing at 7:33 p.m.

Meeting Recesses

Councilman Serra moves for a recess at 7:33 p.m. Councilman Santangelo seconds the motion. The Chair calls for the vote and it is unanimous to approve with twelve aye votes. The Recess is declared at 7:33 p.m. and the Chair asks that everyone return to their seats by 7:40 p.m.

Meeting Reconvenes

The Chair calls the meeting to order at 7:45 p.m.

Agenda Item 7

Councilman Serra is recognized and notes to everyone here that there are no appropriations on this agenda.

Councilman Serra reads and moves for approval agenda items 7A, 7B, 7C, 7D, 7E, 7F and 7G; his motion is seconded by Councilman Pessina. There is no discussion. The vote is called and it is unanimous to approve with twelve aye votes. The Chair states the matters pass unanimously with twelve affirmative votes.

Agenda Item7A

DescriptionCity and Town Clerk's Certificate

(Approved)



City of Middletown
City & Town Clerk's Office
245 deKoven Drive
Middletown, CT 06457

September 27, 2013

I, Linda Bettemourt, City and Town Clerk of the City of Middletown, and custodian of the records and seal thereof, hereby certify that all ordinances and appropriations passed and adopted at the regular meeting of the Common Council on September 3, 2013 at 7:00 p.m. and the special meetings on September 3, 2013 at 6:00 p.m., and September 12, 2013 at 7:00 p.m., have been advertised in the local newspaper.

Attest:

Linda Bettemourt
City & Town Clerk

Dated at Middletown, Connecticut, this 27th day of September, 2013.

Phone (860) 638-4910 Fax (860) 638-1910 TDD (860) 638-4612

Agenda Item7B

DescriptionMonthly Reports

(Approved)

Finance Department Transfer Report to September 27, 2013

Agenda Item7C

DescriptionGrant Confirmation and Approval – Board of Education

(Approved)

Name of Grant:As Listed Below
Amount\$2,704,932.34
Code:2450-33000-
Grant Period:From: 7/1/2013 To: 6/30/201

Type of
Amount Loaned from General \$0.00
Department AdministeringMiddletown Board of Education
When any department, commission, office or agency is the recipient of any federal, state or other grant allocated

for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this

813 - Adult Ed-Provider Grant (State) \$1,419,771; 814 - Adult Ed-Cooperating Eligible Entity \$8,148; 837 - School Readiness - Snow School \$270,000; 841 - Special Ed Medicaid \$11,054.85; 846 - United Way Discover \$21,899; 847 - School Readiness-Chris Fahey \$86,667; 854 - United Way-Youth Services Development \$18.15; 860 - Youth Services Initiative \$170,263; 865 - Youth Services Bureau \$31,930; 883 - Adult Ed-PIP \$190,000; 887 - Adult Ed-PIP English Literacy Acquisition \$35,000; 889 - Youth Service Bureau-Enhancement \$7,455; 894 - Swaim Strings Program \$90; 801 - Retiree/Cobra Insurance \$160,371.37; 803 - Workers' Compensation \$40,026.51; 804 - Preschool Program Fees \$8,547; 807 - Aetna Classified \$1,643.02; 809 - Maintenance/Rentals \$4,382.50; 823 - Central Office Receipts \$26,850.11; 833 - Adult Ed Receipts \$125,700; 893 - Fingerprinting Receipts \$429; 903 - Food Services-May & June \$84,686.83 Total Special Programs Through 8/14/2013 \$2,437,667.75 ADDITIONS \$2,704,932.34 Total Special Programs Through 9/12/2013 \$5,142,600.09

Requested by: Patricia Charles, ED.D

Agenda Item 7D

Description **Grant Confirmation and Approval –Police Department, Strategic Prevention**

(Approved)

Name of Grant: Middletown Strategic Prevention State Incentive

Amount \$5,000.00

Code: 3585-18000-

Grant Period: **From:** 10/1/201 **To:** 6/30/201

Type of State

Amount Loaned from General \$5,000.00

Department Administering Police Department

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this

This grant is to cover overtime costs associated with the enforcement of underage drinking laws. For example: alcohol compliance checks of local businesses, party patrols, etc. Funds used are reimbursed 100% by Rushford.

Requested by: Chief William McKenna

Agenda Item 7E

Description **Grant Confirmation and Approval – Eckersley-Hall, Historic Res.**

(Approved)

Name of Grant: Historic Restoration Fund Grant

Amount \$172,300.00

Code: 3083-13000-

Grant Period: **From:** **To:**

Type of State

Amount Loaned from General \$0.00

Department Administering Eckersley-Hall Building Committee

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this

Funds are from the State Historic Preservation Office of the Department of Economic and Community Development through Connecticut's Historic Restoration Fund and the Community Investment Act of the State of Connecticut for the rehabilitation of the Eckersley-Hall to preserve and protect the architectural heritage of the building.

Requested by: Ronald P. Klattenberg, Chair

Agenda Item 7F

Description **Grant Confirmation and Approval – Eckersley-Hall, Energy Eff.**

(Approved)

Name of Grant: CL &P Energy Efficient Blue Print Incentive

Amount \$15,809.50

Code: 3083-13000-

Grant Period: **From:** **To:**

Type of State

Amount Loaned from General \$0.00

Department Administering Eckersley-Hall Building Committee

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated

for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this

The Eckersley-Hall building has won an energy efficiency planning grant from the CT Energy Efficiency Fund to install energy efficiency measures at the community/senior center. The payment from CEEF for this project are based on the efficiency energy measures that were identified and will be installed at Eckersley-Hall.

Requested by: Ronald P. Klattenberg, Chair

Agenda Item 7G
Description **Grant Confirmation and Approval – Mayor’s Office, School Read.**
(Approved)
Name of Grant: School Readiness - Quality Enhancement
Amount \$25,380.00
Code: 3730-33000-
Grant Period: **From:** 7/1/2013 **To:** 6/30/201
Type of State
Amount Loaned from General \$25,380.00

Department Administering Mayor’s Office/Superintendent of Schools/School Readiness Council

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this

Funds received through this grant will be utilized to provide assistance to the city’s School readiness Programs to improve or enhance the quality of education for preschoolers.

Requested by: Mayor Daniel T. Drew

Agenda Item 8
Description **Payment of City Bills**
(Approved)
Councilman Serra moves for the payment of all City bills when properly approved; Councilman Santangelo seconds the motion. Hearing no discussion, the Chair calls for the vote on this matter. It is unanimous to approve with twelve ayes. The Chair states the matter passes with twelve affirmative votes.

Agenda Item 9
Description Resolutions, Ordinances, etc.

Agenda Item 9A

Councilwoman Bartolotta reads and moves for approval agenda item 9A; her motion is seconded by Councilman Klattenberg. There is no discussion. The Chair calls for the vote, and it is nine aye votes by Council Members Serra, Klattenberg, Bartolotta, Daley, Santangelo, Kasper, Faulkner, Pessina, and Bibisi; two nay votes by Council Members Salafia and Kleckowski; and one abstention by Councilman Berch. The Chair states the matter passes with nine affirmative votes, two in the negative and one abstention.

Ordinance No. 23-13
File Name 12bdeptpwandfacilitiesmergeparks
Description **Approving adding a new Article XI Public Works Department to Chapter 31 of the Middletown Code of Ordinances to include new Sections 31-40. Creation., 31-41. Composition; purpose., and 31-42. Duties and responsibilities to merge the Parks Division into the Public Works Department.**

(Approved)
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That Article XI be added to Chapter 31 of the Middletown Code of Ordinances as follows:

**ARTICLE XI
PUBLIC WORKS DEPARTMENT**

Section 31-40. Creation

In accordance with Chapter V, Section 1B, and Chapter III, Section 6 of the Charter of the City of Middletown, the Middletown Public Works Department is created and that the Parks Division of the Parks and Recreation Department is merged into said Department.

Section 31-41. Composition; purpose

The Department shall consist of a Director, Deputy Director and such other staff as may be deemed necessary by the Mayor and Common Council. The Public Works Department has oversight of Highways and Streets, Traffic Safety, Plant and Facilities including City Schoolgrounds, Parks and Recreation Facilities, Highways and Streets, Sidewalks, curbs, Engineering Services, Recycling, Sanitation, Building Inspections, Parking areas, and City Vehicles.

Section 31-42. Duties and Responsibilities

The Department shall be responsible for the various plant, facility and grounds owned by the City along with the services and equipment necessary for their continued upkeep. The Department will supervise and control the inspection of all structures in said City, the planning, surveying, constructing and reconstructing, altering, paving, repairing, maintaining, cleaning, lighting and inspecting of highways, sidewalks, curbs, and other public improvements and city buildings; the care, removal, planting and preservation of trees within highways or public places; engineering work for the City; supervision and control of the grounds used for parks and recreation purposes and of all buildings, structures, apparatus, and equipment used in connection therewith; and supervision and control of all new construction, including electrical and plumbing appurtenances as provided in the building code adopted by the City.

Agenda Item 9B

Councilman Daley reads and moves for approval agenda item 9B; his motion is seconded by Councilwoman Kasper. There is no discussion and the Chair calls for the vote. It is nine aye votes by Council Members Serra, Klattenberg, Bartolotta, Daley, Santangelo, Kasper, Faulkner, Pessina, and Bibisi; two nay votes by Council Members Salafia and Kleckowski; and one abstention by Councilman Berch. The Chair states the matter passes with nine affirmative votes, two in the negative and one abstention.

Ordinance No. 24-13**File Name 12Brecreationandseniorservices2ordinance.docx**

Description Approving adding a new Article XII Recreation and Community Services. to Chapter 31 of the Middletown Code of Ordinances to include new Sections 31-43. Creation., 31-44 Composition; purpose., and 31-45. Duties and responsibilities., to merge the Recreation Division of the Parks and Recreation Department and Senior Services Department into a new department.

(Approved)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That Article XII of Chapter 31 be added to the Middletown Code of Ordinances as follows:

**ARTICLE XII
RECREATION AND COMMUNITY SERVICES DEPARTMENT**

Section 31-43. Creation

In accordance with Chapter V, Section 1B, and Chapter III, Section 6 of the Charter of the City of Middletown, the Middletown Recreation and Community Services Department is created and the Recreation Department and Senior Services be merged into said Department.

Section 31-44. Composition; purpose

The Department shall consist of a Director and such other staff as may be deemed necessary by the Mayor and Common Council.

The Recreation and Community Services Department shall have oversight of athletic, leisure and recreation programs for seniors, adults, youth, and children.

Section 31-45. Duties and Responsibilities

A. The Department shall be responsible for planning, organizing, and supervising various programs and activities provided by the City for a diverse population including coordinating older adult programs provided by the City or by public and private agencies and providing such service to the extent possible. The Department will supervise all personnel providing such programs.

B. The Department shall review and analyze the needs of the Community, including older adult citizens and make recommendations to the Mayor and Common Council. The Department will be responsible for the daily operations of the senior/community center.

C. The Department shall establish rules and regulations for the safety of program participants for the enjoyment of City parks, recreational areas and City beaches.

Agenda Item 9C

Councilwoman Bartolotta reads and moves for approval agenda item 9C; her motion is seconded by Councilman Santangelo. There is no discussion; the Chair calls for the vote. It is ten aye votes by Council Members Serra, Klattenberg, Bartolotta, Daley, Santangelo, Kasper, Faulkner, Pessina, Bibisi, and Berch; and two nay votes by Council Members Salafia and Kleckowski. The Chair states the matter passes with ten affirmative and two in the negative.

Ordinance No. 25-13**File Name 12APublicWorksandFacilitiesCommissionOrdinanceno(2)**

Description Approving adding a new Section 23-16. Public Works and Facilities Commission to Chapter 23 of the Middletown Code of Ordinances with said changes to take effect after the 2013 Biennial Meeting of the City of Middletown.

(Approved)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That Section 23-16 be added to Chapter 23 of the Middletown Code of Ordinances as follows:

Chapter 23
Common Council

Section 23-16. Public Works and Facilities Commission

- A. Membership; appointment.** There shall be a standing Commission of the Common Council to be known as the Public Works and Facilities Commission and shall take effect after the 2013 Biennial Meeting of the City of Middletown. Said Commission shall consist of five members of the Common Council, not more than three of whom shall be of the same political party, to be appointed by the Common Council to serve during their term of office.
- B. General purpose; duties.** The Public Works and Facilities Commission shall act on all matters referred to it by the Common Council. The Commission shall have jurisdiction of all matters pertaining to the Public Works Department and shall be advisory to the Public Works Department. The Commission may make recommendations to the Mayor and Common Council concerning highways and streets, traffic safety, buildings, parks and recreation facilities, sidewalks, curbing, recycling, sanitation, building inspections, and City vehicles. The Commission may propose services and equipment necessary for the department to perform its duties and to maintain City property and services. The Commission may establish subcommittees.

Agenda Item 9D

Councilman Daley reads and moves for approval agenda item 9D; Councilman Pessina seconds the motion.

Motion to Amend

Councilman Klattenberg states he would like to bring to the attention of the Council this ordinance identifies seven members to serve on the Recreation and Community Services Commission and the current make-up for Senior Services which is two elected and nine from the public and the Park and Recreation is two elected plus five members of the public; in combination it is 18 handling duties, and responsibilities for recreation and senior affairs and based on the work of the Senior Services Commission and many of the problems arising at the meetings are not just recreational and programmatic, but deal with sensitive aging initiatives, he would like to amend it whereby there are two elected officials and instead of seven members of the public, to make it nine; it would be 2 elected and nine members of the public to make it eleven. Councilman Serra seconds the motion.

The Chair asks Councilman Faulkner if his comments are on the amendment or underlying motion. They are on the underlying motion. Councilman Daley states on the amendment, he thinks what is being proposed addresses Mr. Dypa's concerns and I would be in favor of that and the amendment would be changing Section 14-11 to read eleven members, nine of whom shall be electors and two members shall be members of the council. Nine members should be appointed 3 for two years; 3 for a period of 1 year and three appointed for three years. That would take care of it. Councilman Klattenberg states that is the intention. Councilman Daley accepts it as a friendly amendment. Councilman Pessina, as the seconder also accepts it as a friendly amendment.

Motion to Amend

Councilman Klattenberg states he would ask, in the ordinance dealing with Public Works and Facilities Commission, it says it may establish subcommittees and asks that it be added to this ordinance. Councilman Daley asks if it is also in Section 14-11. Councilman Klattenberg states yes. Councilwoman Kleckowski seconds this motion.

Councilman Pessina states he is on this and on Park and Rec Commission and for the reasons suggested it is doing the right thing for the seniors. We respond to the senior's needs and thanks his honor. Councilwoman Kleckowski states she would like to see it like Citizen's Advisory where it states certain appointments represent certain populations and we should change it to at least one of the three members from the senior services community. We do that in other areas. When you are dealing with senior services, it would be good to have someone from that community. Councilman Daley states as long as I have been involved, the senior affairs have always been comprised of senior services and I would expect that to continue. The reason Citizens Advisory is constructed that way, it is because of the federal government. He states that might pose a problem. I trust that the Mayor and he expressed he would appoint members accordingly. Councilwoman Kleckowski states she wanted to note, for the record, that members of the senior community be represented on this committee.

The Chair calls for the vote on the amendments; it is eleven aye votes by Council Members Serra, Klattenberg, Bartolotta, Daley, Santangelo, Kasper, Faulkner, Pessina, Bibisi, Berch, and Kleckowski; and one nay vote by Councilwoman Salafia. The Chair states the amendments pass with eleven affirmative votes and one negative.

The Chair opens discussion on the amended underlying ordinance. Councilman Faulkner wanted to remind the Council what happened when we got rid of youth services. It has taken us a long, long time to get us to where Youth Services needs to be. He had asked if Senior Services reports up to the State; he was told no. If there is no reporting up, he will support this. On this commission we have, is it strictly Senior Services, it will be Recreation and Community Services. Let us make sure the content of the committee goes along with the title.

Councilman Klattenberg states he served on the Senior Services Commission for two terms and there is no reporting to the State that he has ever been involved in.

The Chair asks if there is further discussion; seeing none, the vote is called. It is eleven aye votes by Council Members Serra, Klattenberg, Bartolotta, Daley, Santangelo, Kasper, Faulkner, Pessina, Bibisi, Berch, and Kleckowski; and one nay vote by Councilwoman Salafia. The Chair states the amendments pass with eleven affirmative votes and one negative.

Ordinance No. 26-13
File Name 12BArticleIIIrepealedandnewone(2)
Description Approving repealing Article III Senior Services Commission and adding a new Article III entitled Recreation and Community Services Commission to Chapter 14 of the Middletown Code of Ordinances with said changes to take effect after the 2013 Biennial Meeting of the City of Middletown.

(Approved)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That Article III, entitled Senior Services Commission, is hereby repealed and a new Article III, entitled Recreation and Community Services Committee, be added to Chapter 14 -- Boards, Committees, and Commissions of the Middletown Code of Ordinances -- as follows:

**ARTICLE III.
Recreation and Community Services Commission**

Section 14-10. Establishment; purpose.

There shall be a Commission known as the Recreation and Community Services Commission whose duty shall be to have oversight of the Recreation and Community Services Department including analyzing the needs of the community with regard to recreational, athletic, leisure and senior services and make recommendations to the Department, Mayor and/or Common Council. This Commission shall take effect after the 2013 Biennial Meeting of the City of Middletown.

Section 14-11. Membership; terms of Office; appointment.

The Commission shall have eleven members appointed by the Mayor; nine of whom shall be electors of the City of Middletown and shall serve for a period of three years. Two members shall be members of the Common Council, who shall not be members of the same political party and who shall serve until the next biennial election. The nine members shall be appointed as follows: three shall be appointed for a period of two years; three shall be appointed for a period of one year; and three shall be appointed for a period of three years. The Commission may establish subcommittees.

Section 14-12. Duties.

The Commission shall make recommendations concerning the Department and programs and services provided by the City. They shall provide such information as may be requested by the Common Council or the Mayor. The Commission shall review the leisure and recreational services provided by the Community as well as analyze such community services for the aged provided by various public and private agencies and may make recommendations regarding the development and integration of such services and providers in cooperation with the State and other services to the extent possible. The Commission shall provide recommendations for the use of the Community/Senior Center.

Agenda Item 9E

Councilwoman Bartolotta reads and moves for approval agenda item 9E; her motion is seconded by Councilman Serra. Hearing no discussion, the Chair calls for the vote. It is ten aye votes by Council Members Serra, Klattenberg, Bartolotta, Daley, Santangelo, Kasper, Faulkner, Pessina, Bibisi, and Berch; and two nay votes by Council Members Salafia and Kleckowski. The Chair states the matter passes with ten affirmative and two in the negative.

Ordinance No. 27-13
File Name 12BArticleXIrepealed2013
Description Approving repealing Article XI Parks and Recreation Commission of Chapter 14 of the Middletown Code of Ordinances with said repeal to take effect after the 2013 Biennial Meeting of the City of Middletown.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That Article XI -- Parks and Recreation Commission -- of Chapter 14 is hereby repealed in its entirety. Said repeal shall take effect after the 2013 Biennial Meeting of the City of Middletown.

Agenda Item 9F

Councilman Daley reads and moves for approval agenda item 9F; his motion is seconded by Councilman Faulkner.

Motion to Amend

Councilwoman Kasper moves to amend the ordinance. She states in Section 14-11, reinstate climbing on rock ledges in the title; keep subparagraph b to read "The climbing on rock ledges in any City park or recreational area is prohibited." And renumber the last paragraph "C." Her motion is seconded by Councilman Pessina. Councilman Klattenberg asks her to repeat the motion. She does and states it was inadvertently removed and should remain in. The Chair asks for discussion; seeing none, he calls for the vote. It is unanimous to approve, with twelve aye votes. The Chair states the matter passes unanimously.

The Chair asks for discussion on the underlying ordinance. Councilman Faulkner states we just did this expeditiously, we should look at the language in the ordinance and gives an example in Section 214-7 it says injury to buildings and that should read damage.

Councilman Berch states regarding the fees for usage of various fields which has come out of the Park and Recreation Commission and we should look at Section 214-37. There is discussion that this will now be under Public Works and Facilities. He withdraws the amendment.

Seeing no further discussion, the Chair calls for the vote. It is nine aye votes by Council Members Serra, Klattenberg, Bartolotta, Daley, Santangelo, Kasper, Faulkner, Pessina, and Bibisi; two nay votes by Council Members Salafia and Kleckowski; and one abstention by Councilman Berch. The Chair states the matter passes with nine affirmative votes, two in the negative and one abstention.

Ordinance No. 28-13
File Name Chapter214-2013withchangesmarked91313
Description Approving amending various sections of Chapter 214. Parks and Recreation and renaming the Chapter to Parks, Facilities, and Recreational Areas to address the merger of the Parks Division into the Public Works Department and the Senior Services and Recreation Division into the Department of Recreation and Community Services.

(Approved)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That Chapter 214 of the Middletown Code of Ordinances be amended as follows:

CHAPTER 214. PARKS, FACILITIES, AND RECREATIONAL AL AREAS

ARTICLE I. FISHING

[Adopted 6-5-1978; amended 6-7-1982; 7-6-1992]

§ 214.1. Permitted fishing areas.

- A. Fishing, except in restricted areas, is permitted in any City park and forest recreational area under the rules and regulations established by the State Department of Environmental Protection, Fish and Water Life Unit.
- B. Fishing is permitted on areas posted for that purpose. It is prohibited in swimming areas.

Article II. Crystal Lake [Adopted 5-2-1983]

§214-2. Findings and declaration.

It is found that the property owned by the City in and adjacent to Crystal Lake, and Crystal Lake, do not provide unlimited capacity for recreational or other purposes. The City Property at Crystal Lake was purchased and has been maintained by the City for the use of the inhabitants of the City. The use of Crystal Lake has become increasingly popular, and permitting nonresidents to use the property has resulted in overcrowding and the inability of some residents to make use of the property, defeating the purpose for which it was acquired and has been maintained. Overcrowding threatens the health, safety and general well-being of the users. It is found and declared necessary to the health, safety and well-being of the residents of the City of Middletown to restrict and limit the use of the City-owned property in and adjacent to Crystal Lake to residents of the and guests of residents of the City.

§ 214-3. Limitations on use of property.

- A. The property owned by the City and located in and adjacent to Crystal Lake shall be used only by residents of the City and guests of Residents of the City, except as provided in Subsections **B** and **C** of this section.
- B. The restriction of Subsection **A** of this section shall not apply to the area which is the subject of an agreement between the City and the State dated June 11, 1971, recorded in Volume 375 at page 440 of the Middletown Land Records. Said area contains an access road, parking area and boat launch ramp which shall be usable by residents and nonresidents for the purposes of boating and fishing in Crystal Lake as provided in said agreement.
- C. The restriction of subsection **A** of this section shall not apply to nonresidents obtaining a permit for use of the facility in accord with rules and regulations formulated by the Department of Parks—and RecreationPublic Works.

§ 214-4. Penalties for offenses.

[Amended 1-6-2003 by Ord. No. 01-03; 2-1-2010 by Ord. No 07-10]

Any person violating the provisions of this article shall be prosecuted and subject to a fine not to exceed \$500 for each violation.

ARTICLE III. GENERAL REGULATIONS

[Adopted 7-6-1987]

§ 214-5. Designation of Harbor Park

The park area located north of the former Connecticut Power Company building between Chester Bowles Highway, also known as Route 9, on the west and the Connecticut River on the east is designated as "Harbor Park."

§ 214-6. Hours of Operation
[Amended 8-3-1987]

- A. The City parks and recreational areas shall be open to the general public daily between the hours of 8:00 a.m. and sunset, excepting the public swimming areas shall be open as indicated in Section 214-24, Public swimming. Park supervisors of the City of Middletown may close any portion of a park or recreational area and/or the use of its facilities when it appears that the capacity of the area has been filled or for any reason the use of the same would endanger the public safety.
- B. Donovan Park is restricted from public use when school is in regular session. The principal of Macdonough School or the Park superintendent may further restrict the hours of operation of the park, which restriction may occur prior to, or after, normal school operating hours and/or activities. Enforcement of this subsection shall be performed by the Middletown Police Department. **[Added 5-4-2009 by Ord. No. 18-09]**

§214-7. Injury to buildings, shrubs and/or birds.

- A. The purposes of this section, "person" includes any individual.
- B. No person shall deface, remove, destroy and/or otherwise injure in any manner whatsoever any structure, building, tree, flower, shrub, fern, and/or mosses within City parks and recreation areas, nor shall any songbirds and/or their nests be injured or disturbed at any time. **[Amended 1-6-2003 by Ord. No. 01-03]**
- C. Any person violating any of the provisions of this section shall be fined in an amount as provided in Section 214-36. **[Amended 1-6-2003 by Ord. No. 01-03]**

§ 214-8. Hunting and carrying of firearms.
[Amended 1-6-2003 by Ord. No. 01-03; 2-1-2010 by Ord. No. 08-10]

- A. Hunting and/or carrying of any firearms is prohibited in any City park or recreational area. "Firearm" is defined in accord with Connecticut State Statute Section 53a-3 and any mechanism which is capable of discharging a projectile of any type.
- B. Exceptions for the carrying of a firearm will be provided for current police officers and retired police officers.
- C. Any person violating any provisions of this section shall be prosecuted and fined in an amount as provided in Section 214-36.

§ 214-9. Use of Alcoholic beverages.

Editor's Note: for the sale of alcoholic beverages see §214-14. **[Amended 7-5-1994; 1-6-2003 by Ord. No. 01-03; 2-1-2010 by Ord. no. 09-10]**

- A. The term "person," as used herein means any individual, organization, trust, foundation, group, association, partnership, corporation, society or any combination of them, whether principal or agent.
- B. A copy of the prohibited use of alcohol rules and regulations will be posted at all City of Middletown parks and recreation sites.
- C. The possession and/or drinking of alcoholic beverages by any person as defined above, is prohibited on any City-owned property under the jurisdiction of the ~~Parks and Recreation~~[Public Works](#) Department of the City of Middletown.
- D. Any person violating any of the provisions of this section shall be prosecuted and fined in an amount as provided in Section 214-36 per violation per day.

§ 214-10. Dogs and other pets.

- A. Dogs and other pets are permitted in City parks and recreational areas on leash only and under control of their owners or keepers. Dogs and other pets are prohibited on the City beaches and at the City pools.
- B. Horses are prohibited in picnic areas, on the City beaches and in the waters of the swimming areas.
- C. Any person violating any of the provisions of this section shall be fined in an amount as provided in Section 214-36. **[Amended 1-6-2003 by Ord. No. 01-03]**

§ 214-11. Riding of horses and certain vehicles; climbing on rock ledges.
[Amended 1-6-2003 by Ord. No. 01-03; 4-5-2010 by Ord. No. 48-10]

- A. The riding of horses, motorcycles, bicycles, mopeds and dirt bikes and the driving of four-wheel vehicles, snowmobiles and/or any other type of off, or on road vehicle(s) is prohibited on any foot trails in any City park, City beach, athletic field, except when authorized by the ~~Parks and Recreation~~[Public Works and Facilities](#) Commission.
- B. The climbing on rock ledges in any City park or recreational area is prohibited.~~-except when authorized by the Parks and Recreation Commission.~~
- C. Any person violating any of the provisions of this section shall be fined in an amount as provided in § 214-36.

§ 214-12. Notices and signs.

- A. For purposes of this section, "person" includes any individual.
- B. No person shall erect and/or post any notice or sign upon City park property, on City recreational area property, on City beaches and at the City pools except when notices and/or signs are authorized by the City ~~Parks and Recreation~~Public Works and Facilities Commission.
- C. Any person violating any of the provisions of this section shall be fined in an amount as provided in Section 214-36. **[Amended 1-6-2003 by Ord. No. 01-03]**

§ 214-13. Political meetings and signs; other meetings.

- A. No political meetings and/or signs endorsing any candidate for political office shall be held and/or placed on any City park property, on any City recreational area property, on any City beaches and/or at any City pools. Other meetings may be held on City park property with the approval of the ~~Parks and Recreation~~Public Works and Facilities Commission and Public Works Department and only when such meetings will not disturb the tranquility of the park visitors and/or distract them from their enjoyment of the park. **[Amended 2-1-2010 by Ord. No. 10-10]**
- B. Any person violating any of the provisions of this section shall be fined in an amount as provided in § 214-36. **[Amended 1-6-2003 by Ord. No. 01-03]**

§ 214-14. Commercial uses.**[Amended 11-6-1995; 1-6-2003 by Ord. No. 01-03; 2-1-2010 by Ord. No. 11-10]**

- A. The use of City parks, City recreational areas and City beaches for private gain and/or commercial purposes is prohibited except where concessionaires and vendors have the appropriate City peddler's license and approval by the ~~Parks & Recreation~~Public Works Department. Said vendor must also have the proper insurance coverage, naming the City of Middletown as additional insured as defined by the City of Middletown's Risk Manager, and/or any user fees which may be applicable and payable to the City of Middletown, ~~Parks & Recreation~~Public Works Department.
- B. Any vendor who gains access to a City park, recreation area, and/or other City park property, will pay a user fee to the ~~Parks & Recreation~~Public Works Department, on a quarterly basis. The fees are not refundable, nor are they pro-rated. July 1st of each year will commence the yearly quarters. User fees will be \$250 per quarter. A vendor may choose all, or one (1) quarter for any time of the year.
- C. The possession and/or drinking of alcoholic beverages by any person is prohibited on any City-owned property under the jurisdiction of the ~~Parks & Recreation~~Public Works Department of the City of Middletown. Editor's Note: For disposal of refuse in parking areas see § 214-31.
- D. Any vendor, organization, and/or business, having gained permission from the ~~Parks & Recreation~~Public Works and Facilities Commission and Public Works Department, must adhere to all licensing, inspections, and fees per the City of Middletown Ordinances, Chapter 218: Peddling and Soliciting, and Chapter 166: Food and Products. Said vendor, organization, and/or business, must comply with rules and regulations set forth in the Ordinances which are under the purview of the Health Department, and the Police Department.
- E. Any person violating any of the provisions of this section shall be prosecuted and fined in an amount as provided in § 214-36.

§ 214-15. Disposal of refuse. Editor's Note: For disposal of refuse in parking areas see §214-31.

- A. For purposes of this section, "person" includes any individual.
- B. A person shall not leave paper, glass, garbage and/or other refuse on the grounds, in the buildings and/or in the waters of the City parks, City recreational areas, City beaches and/or City pools but shall place such paper, glass, garbage and/or other refuse in the receptacles provided therefore.
- C. Any person violating any of the provisions of this section shall be fined in accordance with C.G.S. § 22a-226d, as amended. **[Amended 1-6-2003 by Ord. No. 01-03]**
- D. The recycling of bottles and cans will be disposed in the proper recycling containers at each City of Middletown, parks and recreation area. The container(s) will be provided and contents disposed of at each site by the ~~Parks & Recreation~~Public Works Department. **[Added 2-1-2010 by Ord. No. 12-10]**

§ 214-16. Dumping.

- A. Dumping on any City park property, recreational area property and City beach property is prohibited.
- B. Any person violating any of the provisions of this section shall be fined in accordance with C.G.S. § 22a-226d, as amended. **[Amended 1-6-2003 by Ord. No. 01-03]**

§ 214-17. Use of crockery and glassware on beach.

- A. The use of crockery and/or glassware is prohibited on the City beaches.

- B. Any person violating any of the provisions of this section shall be fined in an amount as provided in § 214-36. [Amended 1-6-2003 by Ord. No. 01-03]

§ 214-18. Authority to adopt additional user fee.

Editor's Note: former §214-18, Use of boats and City docks, as amended 7-6-1992, was repealed 8-1-2005 by Ord. No. 07-05. [Added 4-5-2010 by Ord. No. 49-10]

- A. The ~~Parks & Recreation Director~~ Public Works and Facilities Commission or his/her designee, will have the authority to review the types of events using City parks, facilities, and recreational areas and adopt and institute user fees for areas and events not incorporated within these ordinances subject to approval by the Common Council.

§ 214-19. Gambling.

- A. Gambling of any form on City park property, on City recreational area property, at City beaches or at the City pools is prohibited.
- B. Any person violating any of the provisions of this section shall be fined in an amount as provided in § 214-36. [Amended 1-6-2003 by Ord. No. 01-03]

§ 214-20. Disorderly conduct.

[Amended 1-16-2003 by Ord. No. 01-03; 2-1-2010 by Ord. No. 13-10]

- A. Disorderly conduct as defined in Connecticut State Statute 53a-182, intoxication, obscene and/or indecent behavior and all forms (belligerence, harassment, discrimination) rough play or activity creating hazards to human safety and life are prohibited in the City parks, in the City recreational areas, at the City beaches and at the City pools.
- B. Any person violating any of the provisions of this section shall be prosecuted and fined in an amount as provided in § 214-36.

§ 214-21. Designation of picnic areas.

[Amended 2-1-2010 by Ord. No. 14-10]

Picnicking shall be limited to such places as are designated by the City ~~Parks and Recreation~~ Public Works and Facilities Commission.

- A. The City of Middletown Public Works Department allows picnics at specific park sites. There are restrictions for use at these areas, and a reservation is required.
- B. A user fee of \$25 per day is required to reserve a picnic area within the ~~Parks & Recreation~~ Public Works Department parks.
- C. Parks within the City of Middletown are officially closed for the winter season. Parks close on December 1st of each year, and reopen on March 1st of each year.
- D. Persons not having a permit for the use of parks, facilities or fields must give way at all times to permit holders.

§ 214-22. Fires. Editor's Note: See also Ch. 262, §262-2, Bonfires. [Amended 1-6-2003 by Ord. No. 01-03; 2-1-2010 by Ord. No. 15-10]

- A. For the purposes of this section, "person" shall mean any individual, group, or gathering of individuals for any reason.
- B. No person shall kindle and/or direct another to kindle a fire in the City parks, in the City recreation areas or on the City beaches without proper authorization from the ~~Parks and Recreation~~ Public Works and Facilities Commission, and/or Fire, Police and Health Departments, when applicable. When a fire is authorized by the ~~Parks and Recreation~~ Public Works and Facilities Commission, no person shall set or cause to be set any fire within 25 feet of any tree, building, flower and/or shrub or flammable material.
- C. In any areas designated by the ~~Parks & Recreation~~ Public Works Department and/or Public Works and Facilities Commission as a gathering area for persons to utilize as picnic areas, only charcoal, and/or other registered commercially available grilling heating sources shall be used. Firewood is not to be used in City parks and recreational areas as viable grilling heating source.
- D. The residue of fires, when fires are allowed by the ~~Parks and Recreation~~ Public Works and Facilities Commission, shall be disposed of in receptacles or areas designated for such purposes. All other disposal of said residue is prohibited except as herein stated.
- E. Any person violating any of the provisions of this section shall be fined in an amount as provided in § 214-36.

§ 214-23. Playing games; resolution of disputes

[Amended 1-16-2003 by Ord. No. 01-03; 4-5-2010 by Ord. No. 50-10]

- A. Playing games of any type shall not interfere with any City event(s) or programs(s) or with members of the public who have officially reserved a site through the ~~Parks and Recreation~~Public Works Department.
- B. In the event of a dispute or violation of this section, the ~~Parks and Recreation~~Public Works Department or the Middletown Police Department has the authority to determine and settle any public disputes.
- C. Any person violating any of the provisions of this section shall be prosecuted and fined in an amount as provided in § 214-36.

§ 214-24. Public swimming.
[Amended 8-3-1987]

- A. For the purposes of this section, "person" shall mean any individual.
- B. Public swimming shall be allowed ~~at Veterans Pool from 12:00 p.m. to 7:45 p.m. Monday through Sunday, or at such other times~~ as designated by the Director of ~~Parks and Recreation~~ and Community Services or his duly authorized designee, ~~from the first Saturday following the end of the academic school year for Middletown public schools until Labor Day, or such other times as designated by the Director of Parks and Recreation or his duly authorized designee.~~
- C. Public swimming shall be allowed at Crystal Lake within the buoyed lake areas supervised by lifeguards ~~between the hours of 10:00 a.m. to 7:45 p.m., or such other times~~ as designated by the Director of ~~Parks and Recreation~~ and Community Services or his duly authorized designee, ~~from the first Saturday following the end of the academic school year for Middletown public schools until Labor Day, or such other times as designated by the Director of Parks and Recreation or his duly authorized designee.~~
- D. The areas of Crystal Lake where public swimming will not be allowed will be posted by the ~~Parks and Recreation~~Public Works Department.
- E. Any person using the areas so designated or posted is subject to the authority of the lifeguards and other proper authorities.
- F. Public swimming without a bathing suit is prohibited.
- G. Any person violating any of the provisions of this section shall be prosecuted and fined in an amount as provided in § 214-36. **[Amended 1-6-2003 by Ord. No. 01-03; 2-1-2010 by Ord. No. 16-10]**

§ 214-25. Flotation devices.

- A. The possession and use of any type of flotation device, unattached to the swimmer's body, including but not limited to inner tubes, ring buoys, beach balls, air mattresses or rafts, either inflatable or of styrene foam-type plastic construction, is prohibited in City parks and recreation swimming areas and in City pools.
- B. The use of flotation devices approved by the United States Coast Guard, attached to a swimmer's body, is permitted.
- C. The use of snorkels and/or face masks in any swimming area in the City parks and recreation areas and in the City pools is prohibited.
- D. Any person violating any of the provisions of this section shall be prosecuted and fined in an amount as provided in § 214-36. **[Amended 1-6-2003 by Ord. no. 01-03; 2-1-2010 by Ord. No. 17-10]**

§ 214-26. Changing of clothes.

- A. The changing of clothes, except in places provided for such purposes, is prohibited in any City park, in any City recreation area, on any City beach or at any City pool.
- B. Any person violating any of the provisions of this section shall be fined in an amount as provided in § 214-36. **[Amended 1-6-2003 by Ord. No. 01-03.]**

§ 214-27. Tents, screens and similar equipment.
[Amended 1-6-2003 by Ord. No. 01-03; 2-1-2010 by Ord. No. 18-10]

- A. Tents and camping is prohibited on City beaches, City parks and recreation areas and in City picnic areas.
- B. Any person violating any of the provisions of this section shall be prosecuted and fined in an amount as provided in § 214-36.

§ 214-28. Parking of vehicles.
[Amended 2-1-2010 by Ord. No. 19-10]

- A. The parking of any vehicle at City parks or recreation areas or at City beaches shall be limited to such places and such times as are designated by signs posted by the ~~Parks and Recreation~~[Public Works](#) Department.
- B. Parking of vehicles is only allowed on paved and/or gravel based designated areas at all City parks and recreation areas. Parking of vehicles on sidewalks, paths, grass areas, or any other locations not designated as a City parking areas is not allowed. The ~~Parks and Recreation~~[Public Works and Facilities](#) Commission and/or the Director of ~~Parks & Recreation~~[Public Works](#) or his/her duly authorized designee, may allow temporary parking at other areas as warranted by the department.
- C. Any person violating any of the provisions of this section shall be prosecuted and fined in an amount as provide in **§214-36**.

§ 214-29. Speed limits; riding on outside of motor vehicles.

- A. The maximum speed of any motor vehicle in any City park or recreation area shall not exceed 15 miles per hour.
- B. Riding on the outside of motor vehicles in any City park or recreation area is prohibited.
- C. Any person violating any of the provisions of this section shall be prosecuted and fined in an amount as provided in § 214-36. **[Amended 1-6-2003 by Ord. No. 01-03; 2-1-2010 by Ord. No. 20-10]**

§ 214-30. Traffic regulations.

[Amended 1-6-2003 by Ord. No. 01-03]

- A. All posted traffic regulations, including those of designated speed, stop signs, one-way traffic, slow signs, and do not enter, except when directed otherwise by the proper authorities, shall be strictly observed.
- B. Any person violating any of the provisions of this section shall be prosecuted and fined in an amount as provided in **§ 214-36**.

§ 214-31. Disposal of refuse in parking areas.

- A. Refuse, including but not limited to glass, paper and garbage, shall not be left on the ground of the parking area of any City park or recreation area, City pool or City beach but shall be placed in containers provided for such purposes.
- B. Any person violating any of the provisions of this section shall be prosecuted and fined in an amount as provided in § 214-36. **[Amended 1-6-2003 by Ord. No. 01-03; 2-1-2010 by Ord. No. 22-10]**

§ 214-32. Playing games in parking areas.

Editor's Note: Former §214-32, Playing games in parking areas, as amended, was repealed 4-5-2010 by Ord. No. 47-10.]

§ 214-33. Roads designated as closed.

- A. No pedestrian, equestrian, operator of a motor vehicle, including but not limited to motorcycles, dirt bikes, mopeds, and snowmobiles, or operator of a bicycle shall travel on or along any road, trail or path if such road, trail or path is designated as closed and proper signs have been posted by the proper authorities.
- B. Any person violating any of the provisions of this section shall be prosecuted and fined in an amount as provided in **§ 214-36**. **[Amended 1-6-2003 by Ord. No. 01-03; 2-1-2010 by Ord. No. 23-10.]**

§ 214-34. Travel at risk of operator.

All travel on City, park, forest and/or recreation area roads is at the risk of the operator of the motor vehicle.

§ 214-35. Violators subject to ejection from recreation areas.

[Amended 2-1-2010 by Ord. No. 24-10.]

A violation of any of the provisions stated herein constitutes sufficient cause for ejection from the City park, recreation area, beach and/or pool, at the discretion of the proper authority. "Proper authority" is defined as ~~Parks & Recreation~~[Public Works](#) Department supervisory personnel, and/or Officers of the Police Department, and/or Fire Department, and/or any combination thereof.

§ 214-36. Penalties for offenses.

[Amended 1-6-2003 by Ord. No. 01-03; 2-1-2010 by Ord. No. 25-10]

Each and every violation of the provisions stated herein shall constitute a separate and distinct violation subject to a fine in an amount not to exceed \$500, except as otherwise stated herein.

§ Sec. 214-37. Fees for use of Pat Kidney Field, Smith Park, Hubbard League or Snow School Fields.

[Added 8-1-1988; amended 3-4-1996; 4-5-2010 by Ord. No. 52-10.] (See also Quick reference User Fee Chart. Editor's Note: Said chart is included at the end of this chapter.)

- A. The term "person," as used herein, means any individual, organization, trust, foundation, group, association, partnership, corporation, society or any combination of them, whether principal or agenda.
- B. Any person may use Pat Kidney Field, Smith Park, Hubbard Little League and Snow School fields, after registering with the Middletown ~~Parks and Recreation~~[Public Works](#) Department, signing a hold-harmless agreement, providing sufficient evidence of the insurance required, approval is granted by the Director of ~~Parks and Recreation~~[Public Works](#) Department or his/her duly authorized designee, and paying the fees as hereinafter set forth. For the purpose of defining user fees, the following terms will be used:

LOCAL

Any team or person, as defined herein residing within the boundaries of the City of Middletown.

NONLOCAL

Any team or person, as defined herein, residing outside of the boundaries of the City of Middletown, including nonresident real estate taxpayers.

USERFEE(S) AND/OR FEE(S)

The dollar amount as established and outlined within the Ordinance. User Fees and/or fees are not negotiable and cannot be waived.

- C. Other event fees.
- (1) For day or night use of Pat Kidney Field, Smith Park, Hubbard Little League or Snow School Fields by local adult/youth teams, as so designated by the ~~Parks and Recreation~~[Public Works and Facilities](#) Commission, there is no fee.
 - (2) For day or night use of Pat Kidney Field, Smith Park, Hubbard Little League or Snow School Fields by persons residing and/or located in the City of Middletown, for event fees which are not listed herein, the fee is \$45 per hour or portion thereof, with a minimum use of four hours.
 - (3) For day use of Pat Kidney Field, Smith Park, Hubbard Little League or Snow School Fields by persons residing and/or located outside of the City of Middletown, for event fees which are not listed herein, the fee is \$75 per hour or portion thereof, with a minimum use of four hours.
 - (4) For night use of Pat Kidney Field, Smith Park, by persons residing and/or located outside of the City of Middletown, the fee is \$80 per hour or portion thereof, with a minimum of four hours, plus an additional fee of \$100 for the use of the lights at Pat Kidney Field or Smith Park.
 - (5) All local Middletown high schools are exempt from softball and/or soccer game user fees during the normal City of Middletown work week of Monday through Friday, with the exception of any holidays. A user fee of \$100 per game will be accessed to all high schools if games are played on a holiday.
 - (6) Adult softball and adult soccer leagues will pay a one-time yearly user fee for the use of Pat Kidney Field and Smith Park. The fee will be accessed at \$150 per team, per year.
- D. Any non-local tournament will be defined by the following language, including but not limited to "tournament(s)," "semi-finals," "finals," "championship series," "pay-offs," "elimination," "round robin," and/or "world series." In addition to the above-mentioned language, non-local tournaments will also be defined as more than one non-local participating team(s) in the game.
- E. Pat Kidney Field and Smith Park softball/baseball tournament user fee schedule for local teams, as "local" is defined in Subsection **B** of this section.
- (1) Pat Kidney Field baseball/softball field Nos. 1, 2, and 3 half-day rate; 8:00 a.m. to 2:00 p.m., or 2:00 p.m. to 8:00 p.m.: \$150 per field.
 - (2) Smith Park baseball/softball field Nos. 1, 2, 3, and 4 half-day rate; 8:00 a.m. to 2:00 p.m., or 2:00 p.m. to 8:00 p.m.: \$150 per field.
 - (3) Pat Kidney Field baseball/softball field Nos. 1, 2, and 3 full-day rate; 8:00 a.m. to 8:00 p.m.: \$250 per field.
 - (4) Smith Park baseball/softball field Nos. 1, 2, 3, and 4 full-day rate; 8:00 a.m. to 8:00 p.m.: \$250 per field.
 - (5) Use of lighted field(s) at Pat Kidney No. 1 and/or Smith Park No. 1 for one game is \$100 in addition to the selected above-mentioned local fee schedule.
- F. Pat Kidney Field and Smith Park softball/baseball tournament user fee schedule for non-local teams, as "non-local" is defined in Subsection **B** of this section:
- (1) Pat Kidney Field baseball/softball field Nos. 1, 2, and 3 half-day rate; 8:00 a.m. to 2:00 p.m., or 2:00 p.m. to 8:00 p.m.: \$250 per field.
 - (2) Smith Park baseball/softball field Nos. 1, 2, 3, and 4 half-day rate; 8:00 a.m. to 2:00 p.m., or 2:00 p.m. to 8:00 p.m.: \$250 per field.

- (3) Pat Kidney Field baseball/softball field Nos. 1, 2, and 3 full-day rate; 8:00 a.m. to 8:00 p.m.: \$350 per field.
 - (4) Smith Park baseball/softball field Nos. 1, 2, 3, and 4 full-day rate; 8:00 a.m. to 8:00 p.m.: \$350 per field.
 - (5) Use of lighted field(s) at Pat Kidney No. 1 and/or Smith Park No. 1 for one game is \$100 in addition to the selected above-mentioned local fee schedule.
- G. Smith Park and Pat Kidney Field tournament user fee schedule for local soccer tournaments as defined in Subsection **B** of this section:
- (1) Smith Park soccer field No. 1 (upper) and No. 2 (lower) and/or Pat Kidney No. 1, half-day rate; 8:00 a.m. to 2:00 p.m. or 2:00 p.m. to 8:00 p.m.: \$200 per field.
 - (2) Smith Park soccer field No. 1 (upper) and No. 2 (lower) and/or Pat Kidney No. 1, full-day rate; 8:00. to 8:00 p.m.: \$350 per field.
 - (3) Use of lighted fields at Pat Kidney No. 1 and/or Smith Park No. 1 (upper), for one game is \$100 in addition to the selected above-mentioned local fee schedule.
- H. Smith Park and Pat Kidney Field tournament user fee schedule for non-local soccer tournaments as defined in Subsection **B** of this section:
- (1) Smith Park soccer field No. 1 (upper) and No. 2 (lower) and/or Pat Kidney No. 1, half-day rate; 8:00 a.m. to 2:00 p.m. or 2:00 p.m. to 8:00 p.m.: \$300 per field.
 - (2) Smith Park soccer field No. 1 (upper) and No. 2 (lower) and/or Pat Kidney No. 1, full-day rate; 8:00. to 8:00 p.m.: \$450 per field.
 - (3) Use of lighted fields at Pat Kidney No. 1 and/or Smith Park No. 1 (upper), for one game is \$100 in addition to the selected above-mentioned local fee schedule.
- I. Fees for tournament use of Hubbard Little League Park, baseball tournament user fee schedule for local and non-local teams, as defined in this section:
- (1) Definitions.
 - (a) The term “person” as used herein, means any individual, organization, trust, foundation, group, association, partnership, corporation, society or any combination of them, whether principal or agent.
 - (b) “Local” means any team or person, as defined herein, residing within the boundaries of the City of Middletown.
 - (c) “Non-local” means any team or person, as defined herein, residing outside of the boundaries of the City of Middletown, including nonresident real estate taxpayers.
 - (2) Hubbard Little League Park local tournament user fees;
 - (a) Hubbard field Nos. 1 and 2, half-day rate; 8:00 a.m. to 2:00 p.m. or 2:00 p.m. to 8:00 p.m.: \$75 per field.
 - (b) Hubbard field Nos. 1 and 2, full-day rate; 8:00 a.m. to 8:00 p.m.: \$125 per field.
 - (c) Hubbard field No. 1, one-night game, from 8:00 p.m. to 10:00 p.m.: \$75 in addition to the selected above mentioned local fee schedule.
 - (3) Hubbard Little League Park non-local user fees:
 - (a) Hubbard field Nos. 1 and 2, half-day rate; 8:00 a.m. to 2:00 p.m. or 2:00 p.m. to 8:00 p.m.: \$200 per field.
 - (b) Hubbard field Nos. 1 and 2, full-day rate; 8:00 a.m. to 8:00 p.m.: \$350 per field.
 - (c) Hubbard field No. 1, one-night game, from 8:00 p.m. to 10:00 p.m.: \$100 in addition to the selected above mentioned local fee schedule.
- J. Fees for tournament use of Snow School Little League fields, softball tournament user fee schedule for local and non-local teams, as defined in this section:
- (1) Definitions.
 - (a) The term “person” as used herein, means any individual, organization, trust, foundation, group, association, partnership, corporation, society or any combination of them, whether principal or agent.
 - (b) “Local” means any team or person, as defined herein, residing within the boundaries of the City of Middletown.

- (c) "Non-local" means any team or person, as defined herein, residing outside of the boundaries of the City of Middletown, including nonresident real estate taxpayers.
 - (d) "User fee(s)" and/or "fee(s)" means the dollar amount as established and outlined within this section. User fees and/or fees are not negotiable and cannot be waived.
- (2) Snow School softball fields, local user fees.
- (a) Snow [School](#) field Nos. 1 and 2, half-day rate; 8:00 a.m. to 2:00 p.m. or 2:00 p.m. to 8:00 p.m.: \$75 per field.
 - (b) Snow [School](#) field Nos. 1 and 2, full-day rate; 8:00 a.m. to 8:00 p.m.: \$125 per field.
- (3) Snow School softball fields, non-local user fees.
- (a) Snow [School](#) field Nos. 1 and 2, half-day rate; 8:00 a.m. to 2:00 p.m. or 2:00 p.m. to 8:00 p.m.: \$200 per field.
 - (b) Snow [School](#) field Nos. 1 and 2, full-day rate; 8:00 a.m. to 8:00 p.m.: \$350per field.
- K. Before any use of a public park and/or field may be granted, the applicant must provide evidence in the form of a certificate of insurance of liability insurance having a minimum of \$1,000,000 combined single limit, bodily injury and property damage liability insurance, which insurance shall be in force for the date(s) of the use of Pat Kidney Field, Smith Park, Hubbard Little League or Snow School fields. The applicant shall also be required to name the City of Middletown, its officers, agents, servants and employees as additional insureds on the liability insurance policy, which language shall appear in the appropriate place on the certificate of insurance provided to the Middletown [Parks and RecreationPublic Works](#) Department. Said certificate of insurance shall also include a notification of cancellation clause which shall provide that the issuing insurance company will mail written notice to the City of Middletown within 10 days of the proposed cancellation date of the insurance policy. Revocation, expiration or cancellation of said insurance shall automatically revoke the approval granted the applicant ~~etof~~ use Pat Kidney Field, Smith Park, Hubbard Little League or Snow School fields unless evidence of replacement insurance, satisfactory to the City of Middletown's Risk Manager, has been provided to the Middletown [Parks and RecreationPublic Works](#) Department prior to the date(s) of use of Pat Kidney Field, Smith Park, Hubbard Little League or Snow School Fields.
- L. It is further required that any person using a public park and/or field execute, prior to the date of the use of Pat Kidney Field, Smith Park, Hubbard Little League or Snow School fields, a hold-harmless agreement indemnifying the City of Middletown, its officers, agents, servants and employees from any and all liability arising out of and in the course of the use of Pat Kidney Field, Smith Park, Hubbard Little League or Snow School fields.

§ 214-38. Fees for use of Palmer field.

[Added 4-5-1993; amended 2-7-1994; 3-4-1996]

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

LOCAL

Any team or person, as defined herein residing, located, organized or existing within the boundaries of the City of Middletown, including nonresident taxpayers. **[Amended 2-1-2010 by Ord. no. 26-10]**

NONLOCAL

Any team or person, as defined herein, residing, located, organized or existing outside of the boundaries of the City of Middletown. **[Amended 2-1-2010 by Ord. no. 26-10]**

PERSON

Any individual, organization, trust, foundation, group, association, partnership, corporation, society or any combination of them, whether principal or agent.

USER FEE(S) AND/OR FEE(S)

The dollar amount as established and outlined within the section. User Fee(s) and/or fee(s), are not negotiable and cannot be waived, provided however, the [Parks and RecreationPublic Works and Facilities](#) Commission may negotiate the tournament fee(s) set out herein. **[Added 2-1-2010 by Ord. No. 26-10; amended 6-6-2011 by Ord. No. 09-11]**

- B. Any person may use Palmer Field for the appropriate uses approved by the [Parks and RecreationPublic Works and Facilities](#) Commission after registering with the Middletown [Parks and RecreationPublic Works](#) Department, signing a hold harmless agreement, providing sufficient evidence of the insurance required and approval by the Director of [Parks and RecreationPublic Works](#) or his/her duly authorized designees, and paying the fees as hereinafter set forth.
- C. The Director of [Parks and RecreationPublic Works](#) or his duly authorized designee, subject to the approval of the Mayor, shall have the authority to determine when the spring use of Palmer Field will commence and the authority to suspend field use at any time during the year.
- D. No practice games, team practices, and/or intersquad scrimmage shall be held at Palmer Field.

- E. Tournament use fees for Palmer Field are negotiated by the ~~Parks and Recreation~~Public Works and Facilities Commission.
- F. Middletown High School, Vinal Regional Technical High School, and Ahern-Whalen teams are exempt from Palmer Field fees, with the exception of the below listed games:
[Amended 2-1-2010 by Ord. 26-10]
 - (1) All local Middletown high schools are exempt from baseball, and/or soccer game user fees during the normal City of Middletown workweek of Monday through Friday, with the exception of weekends and holidays.
 - (2) A user fee will be assessed to all local high schools for baseball and soccer games played during the weekend of a recognized holiday.
 - (3) All organizations, and high schools, will pay a user fee for football games, regardless of the day of the week.
- G. Fees. Fees shall be as follows: (See also Quick Reference User Fee Chart. Editor's Note: Said chart is included at the end of this chapter.) **[Amended 2-1-2010 by Ord. No. 26-10]**
 - (1) "Weekdays" and "weekends" will be defined as follows:
 - (a) "Weekday, days" is defined as Monday through Friday, 8:00 a.m. through 4:00 p.m.
 - (b) "Weekday, nights" is defined as Monday through Friday, 4:00 p.m. through 10:00 p.m.
 - (c) "Weekend, days" is defined as Saturday, Sunday, and holidays, 8:00 a.m. through 4:00 p.m.
 - (d) "Weekend, nights" is defined as Saturday, Sunday, and holidays, 4:00 p.m. through 10:00 p.m.
 - (2) Youth User Fees:
 - (a) Local Youth. There are no user fees assessed to local youth teams. "Local youth teams" are defined as: Ahern-Whalen baseball, Middletown Youth Soccer, and Middletown Youth Football. However, the Director of ~~Parks & Recreation~~Public Works or his/her duly authorized designee, in conjunction with the Recreation and Community Services Commission will have the authority to determine how many games the above-mentioned youth leagues, may be allowed to play, at Palmer Field during any given year, as to ensure the safety and integrity of the field, for those utilizing it.
 - (b) Non-Local Youth Use:
 - (1) Weekday, day use by non-local Youth baseball or soccer teams: \$200 per game.
 - (2) Weekday, night use by non-local Youth baseball or soccer teams: \$350 per game.
 - (3) Any day of the week double-header games day or night use by non-local youth baseball or soccer teams: \$450 per session.
 - (4) Weekend, day use by non-local youth baseball or soccer teams: \$250 per game.
 - (5) Weekend, night use by non-local youth baseball or soccer teams: \$400 per game.
 - (6) Weekday and/or weekend, day use by non-local youth football teams: \$400 per game.
 - (7) Weekday and/or weekend, night use by non-local youth football team(s): \$550 per game.
 - (3) Local and non-local high school user fees:
 - (a) Local high schools:
 - (1) Weekend or holiday, day use by local high school baseball or soccer teams: \$200 per game.
 - (2) Weekend or holiday, night use by local high school baseball or soccer teams: \$300 per game.
 - (3) Weekend or holiday, double-header games day or night use by local high school baseball or soccer teams: \$450 per session.
 - (4) Weekday, weekend, and/or holiday, day use by local high school football teams: \$250 per game.

- (5) Weekday and/or weekend, night use by local high school football team(s): \$350 per game.
- (b) Non-local high schools:
 - (1) Weekend or holiday, day use by non-local high school baseball or soccer teams: \$350 per game
 - (2) Weekend or holiday, night use by non-local high school baseball or soccer teams: \$450 per game.
 - (3) Weekend or holiday, double-header games day or night use by non-local high school baseball or soccer teams: \$650 per session.
 - (4) Weekday, weekend, and/or holiday, day use by non-local high school football teams: \$750 per game.
 - (5) Weekday and/or weekend, night use by non-local high school football team(s): \$1,150 per game.
- (4) Local and non-local college user fees:
 - (a) Local College Teams:
 - (1) Weekday, day use by local college baseball or soccer teams: \$550 per game.
 - (2) Weekday, night use by local college baseball or soccer teams: \$650 per game.
 - (3) Weekend, day use by local college baseball or soccer teams: \$650 per game.
 - (4) Weekend, night use by local college baseball or soccer teams: \$750 per game.
 - (5) Any day of the week double-header games day or night use by local college baseball or soccer teams: \$850 per session.
 - (6) Weekday day use by local college football teams: \$750 per game.
 - (7) Weekday night use by local college football teams: \$850 per game.
 - (8) Weekend day use by local college football teams: \$950 per game.
 - (9) Weekend night use by local college football teams: \$1,050 per game.
 - (b) Non-local college teams:
 - (1) Weekday, day use by non-local college baseball or soccer teams: \$650 per game.
 - (2) Weekday, night use by non-local college baseball or soccer teams: \$750 per game.
 - (3) Weekend, day use by non-local college baseball or soccer teams: \$750 per game.
 - (4) Weekend, night use by non-local college baseball or soccer teams: \$850 per game.
 - (5) Any day of the week double-header games day or night use by non-local college baseball or soccer teams: \$950 per session.
 - (6) Weekday day use by non-local college football teams: \$850 per game.
 - (7) Weekday night use by non-local college football teams: \$950 per game.
 - (8) Weekend day use by non-local college football teams: \$1,050 per game.
 - (9) Weekend night use by non-local college football teams: \$1,400 per game.
- (5) Local and non-local semi-professional and/or professional user fees:
 - (a) Local semi-professional and/or professional:
 - (1) Weekday, day use by local semi-professional and/or professional baseball or soccer teams: \$500 per game.
 - (2) Weekday, night use by local semi-professional and/or professional baseball or soccer teams: \$650 per game.
 - (3) Weekend, day use by local semi-professional or professional baseball or soccer teams: \$650 per game.

- (4) Weekend, night use by local semi-professional or professional baseball or soccer teams: \$750 per game.
 - (5) Any day of the week double-header games day or night use by local semi-professional or professional baseball or soccer teams: \$1,150 per session.
 - (6) Weekday and/or weekend, day use by local semi-professional and/or professional football teams: \$1,400 per game.
 - (7) Weekday and/or weekend, night use by local semi-professional and/or professional football teams: \$1,650 per game.
- (b) Non-local semi-professional and/or professional:
 - (1) Weekday, day use by non-local semi-professional and/or professional baseball or soccer teams: \$600 per game.
 - (2) Weekday, night use by non-local semi-professional and/or professional baseball or soccer teams: \$750 per game.
 - (3) Any day of the week double-header games day or night use by non-local semi-professional or professional baseball or soccer teams: \$1,250 per session.
 - (4) Weekend, day use by non-local semi-professional or professional baseball or soccer teams: \$750 per game.
 - (5) Weekend, night use by non-local semi-professional or professional baseball or soccer teams: \$850 per game.
 - (6) Weekday and/or weekend, day use by non-local semi-professional and/or professional football teams: \$1,500 per game.
 - (7) Weekday and/or weekend, night use by non-local semi-professional and/or professional football teams: \$1,750 per game.
- H. Any non-local tournament will be defined by the following language, including but not limited to; "tournament(s), semi-finals, finals, championship series, play-offs, elimination, round robin, and/or world series." In addition to the above-mentioned language, non-local tournament will also be defined as more than one non-local team(s) participating in the event, and/or non-involvement of local Middletown teams.
[Added 2-1-2010 by Ord. No. 26-10]
- I. Palmer Field Tournament User Fees. All tournament games will be based on either a half- day user fee, or a full day user fee, as based in the above referenced definition of the section.
 - (1) Local tournament:
 - (a) Weekday day user fee for a half-day local tournament: \$950.
 - (b) Weekday night user fee for a half-day local tournament: \$1,100.
 - (c) Weekday user fee for a full-day local tournament: \$1,850.
 - (d) Weekend day user fee for a half-day local tournament: \$1,150.
 - (e) Weekend night user fee for a half-day local tournament: \$1,300.
 - (f) Weekend full-day local tournament session user fee: \$2,100.
 - (2) Non-local tournament:
 - (a) Weekday day user fee for a half-day non-local tournament: \$1,150.
 - (b) Weekday night user fee for a half-day non-local tournament: \$1,300.
 - (c) Weekday user fee for a full-day non-local tournament: \$2,150.
 - (d) Weekend day user fee for a half-day non-local tournament: \$1,350.
 - (e) Weekend night user fee for a half-day non-local tournament: \$1,500.
 - (f) Weekend full-day non-local tournament session user fee: \$2,300.

§ 214-39. Scheduling and Cancellation of games.
[Added 4-5-1993; amended 2-1-2010 by Ord. No. 27-10]]

- | The Director of ~~Parks and Recreation~~[Public Works](#) or his duly authorized designee is the sole authorized agent for the City to cancel games prior to their commencement for weather, field safety, mechanical failures, and/or problems that may arise on City fields under the Department's jurisdiction.
- A. Scheduling of athletic games, picnics, signage, outdoor community events held in any park(s), and scheduling of athletic field and facilities, shall be done so through the Superintendent of Parks Office. The Superintendent of Parks has the authority to schedule an alternate site for the requesting party, due to, but not limited to, availability, over use, safety, weather conditions, and/or other reasons as determined by the Director of ~~Parks & Recreation~~[Public Works](#), and/or his duly authorized designee(s).
- | B. Scheduling of recreation programs, community activities, passes, program registration, and/or any other activity sponsored and/or co-sponsored by the City of Middletown, ~~Parks & Recreation~~[Public Works](#) Department, shall be the responsibility of the Director of ~~Parks & Recreation~~[Public Works](#), and/or his duly authorized designee(s).

~~§214-40. Recreation activity fees; eligibility.~~

~~[Added 7-6-1993; amended 6-6-1994; 3-18-1996; 2-7-2000; 5-1-2000; 3-8-2001; 11-5-2007 by Ord. No. 33-07; 5-4-2009 by Ord. No. 19-09] Editor's Note: This ordinance also provided that it shall be effective 10-1-2010; 4-5-2010 by Ord. No. 51-10.~~

~~A. There shall be recreation activity fees to offset the costs associated with the operating of recreation programs and maintaining the parks and fields which are the responsibility of the Parks and Recreation Department. Recreational fees will be waived for senior citizens 60 years and older who are Middletown residents or nonresident Middletown taxpayers. Said fees will be reviewed and adjusted by the Common Council at its regular meeting in December.~~

~~(1) Tennis~~

~~(2) Golf~~

~~(3) Crew~~

~~(4) Aquacise~~

~~(5) Exercise~~

~~(6) Swimming lessons for Children~~

~~(a) First child~~

~~(b) Second child, same family~~

~~(c) Third child and any additional children~~

~~(7) Youth recreational programs~~

~~(a) GoodTime~~

~~(b) KidTime~~

~~(c) PlayTime~~

~~(d) GreatTime~~

~~(e) FunTime~~

~~(f) TeenTime~~

~~(g) Sibling discount to attend summer youth recreational programs in Subsection A(7)(a) through (f). [Added 12-6-2010 by Ord. No. 86-10]~~

~~(8) SummerTime~~

~~(9) TotTime~~

~~(9a) Fee for allowing nonresidents to attend summer youth recreational programs in Subsection A(7)(a) through (f) and Subsection A(8) and (9); registration start date May 15; no busing provided. [Added 12-6-2010 by Ord. No. 86-10]~~

~~(10) Safety Town (resident and nonresident)~~

~~(10a) TotTime/Safety Town same week combination fee: residents only [Added 12-6-2010 by Ord. 86-10]~~

~~(11) Community Based Programs~~

~~(12) Veterans Memorial Pool:~~

~~(a) Daily admission:~~

~~[1] Youth 3 to 17~~

~~[2] Adult 18 to 59~~

~~[3] Age 60 and over: no fee~~

~~(b) Seasonal family pass~~

~~(c) Seasonal individual pass~~

~~(d) Nonresident activity fees.~~

[1] — Daily admission:

[a] — Youth 3 to 17

[b] — Adult 18 to 59

[c] — Age 60 and over

[2] — Seasonal family pass

[3] — Seasonal individual pass

(13) — Reserved for Road races

(14) — (Reserved) Editor's Note: Former Subsection A(14) Ron McCutcheon car sticker, was repealed 12-6-2010 by Ord. No. 86-10.

(15) — Adult Softball League

(16) — Sunday Power Volleyball League

(17) — Adult Basketball League

(18) — Adult Coed Drop-In Volleyball Program

(19) — Youth Hershey Track and Field Meet

(20) — Lydia Lundberg Poetry Contest

(21) — Prof Gallitto Youth Basketball

(22) — Senior Walking Program

(23) — Senior Boat Cruise

(24) — Youth art contests

(25) — For each team participating in a Parks and Recreation Department sponsored adult league: a team fee payable at the time of registration.

(26) — Replacement pass fee, for each participant who loses a Parks and Recreation Department pass.

(27) — Santa suit rental fee. Revenues collected will be deposited into the Christmas Workshop Grant Account.

(28) — Adult weightlifting ~~[added 12-6-2010 by Ord. No. 86-10.]~~

B. — Eligibility.

(1) — Unless otherwise indicated herein, recreation programs are for only those persons who reside in the City of Middletown, or are nonresident taxpayers of the City of Middletown, upon the payment of the respective amount herein set forth above. Participation shall be in accordance with the rules and regulations set forth by the Parks and Recreation Department. Adult league (softball, basketball, Sunday power volleyball) participants must obtain a photo ID in accordance with the rules and regulations of each league. Proof of residency shall be a valid driver's license or Motor Vehicle Department photo ID.

(2) — The term "nonresident taxpayer" is hereby defined for the purposes of this section to mean an individual owning real estate in the City of Middletown who receives a real estate tax bill and whose tax billings are not in arrears.

(3) — Nonresident taxpayers, their spouses and children are eligible for all programs. However, the City will not transport nonresident participants to programs. Proof of nonresident taxpayer status shall be a current tax receipt.

(4) — Those persons not registering and paying the appropriate fee will not be allowed to participate in these programs.

(5) — Nonresidents may participate in leagues (softball, basketball, and Sunday power volleyball) sponsored by the Parks and Recreation Department if they meet one of the following:

(a) — A person who is attending college in Middletown on a full-time basis (12 credit semester hours). Proof: Must show a valid student ID or class registration receipt.

(b) — A person who works in Middletown on a full-time basis for a local business, 32 hours per week, 52 weeks per year. Proof: Must show a valid pay stub with company name and address or have a letter from the company's personnel director.

(6) — Additionally, a team may have up to five nonresident players per softball team, three nonresident players per Sunday power volleyball team, and three nonresident players per adult basketball team, which nonresident players do not meet the criteria of Subsection B(5)(a) or (b) above.

~~(7) Nonresident participant fees:~~~~(a) Adult Softball League~~~~(b) Sunday Power Volleyball League~~~~(c) Adult Basketball League~~~~(d) Swimming lessons for children (nonresident):~~~~[1] First child~~~~[2] Second child~~~~[3] Third child and any additional children~~~~C. Program fee waivers for City of Middletown residents only. [Amended 12-6-2010 by Ord. No. 86-10]~~~~(1) Fees for City funded recreational activities (Youth Day Programs) shall be waived by the Parks & Recreation Department for underprivileged children. Underprivileged children are defined as children whose families are receiving cash assistance from the State of Connecticut Temporary Assistance to Needy Families program. Parents or guardians must provide a copy of their declaration sheet.~~~~(2) Parents or Guardians may apply to the State of Connecticut "Care Kids" program and/or any state program for child care assistance funding that will work in communication with the Parks & Recreation Department. The Parks & Recreation Department will work with the State to collect these funds from the State for those that qualify.~~~~D. The Parks and Recreation Commission will determine whether any existing or new programs sponsored by the Parks and Recreation Department will be part of the annual recreation activity fee or subject to an individual fee.~~**§ 214-4140. Multi-use trail regulations. [Added 9-8-1998]**

A. For the purposes of this section, "multi-use trail areas" shall be defined as the following:

(1) The Westlake Bikeway.

(2) The recreational use of River Road between the Silver Street intersection and the Eastern Drive intersection on Sundays between 7:30 a.m. and dusk.

B. No person shall use any multi-use trail except during the hours posted at the multi-use site.

C. No motor vehicles, except for motorized wheelchairs, shall be operated on a multi-use trail.

D. Any dog or pet taken onto a multi-use trail shall be on a leash which shall be no longer than six feet. Dog owners are required to remove the animal waste.

E. Youths under the age of 12 shall be accompanied by an adult.

F. No person shall possess or discharge any firearms, fireworks or other weapons on a multi-use trail.

G. No person shall possess any alcoholic beverages on a multi-use trail.

H. All persons using the multi-use trail, including but not limited to cyclists, rollerbladers, joggers, wheelchair users, walkers, and skaters, shall comply with all applicable state statutes regulating their conduct on a roadway.

I. All multi-use trail users must obey all signage and/or roadway markings.

J. The speed limit on multi-use trails shall be not more than 15 miles per hour.

K. Multi-use trail users shall be encouraged to wear the appropriate safety equipment for their sport.

L. There shall be no littering on multi-use trails.

M. Any person violating any provisions of this section shall be prosecuted and fined in an amount as provided in § 214-36. **[Amended 1-6-2003 by Ord. No. 01-03; 2-1-2010 by Ord. No. 28-10]**N. These regulations are in addition to all applicable state laws, City ordinances, and [Parks and Recreation Public Works](#) Department regulations.

O. Every person using the path shall travel as near to the right side of the path as is safe, except when turning or while overtaking and passing another user proceeding in the same direction.

P. Every user shall exercise due care and caution to avoid colliding with any other path user of any mode. Every user shall travel in a consistent and predictable manner not more than two abreast.

- Q. Any person operating any permitted vehicle or device, including but not limited to a bicycle, within a park or recreational facility shall give an audible warning signal before passing another person, pedestrian, bicyclist, or user of any mode. An audible warning signal may be produced by voice, bell, whistle, or horn and must be clearly audible. The audible signal must be first produced five seconds before executing the passing maneuver. The passer is responsible for safely passing other users.
- R. Any path user overtaking another user proceeding in the same direction shall pass to the left of such overtaken user at a safe distance and shall not again move to the right until safely clear of the overtaken user.
- S. Users entering or crossing the path at uncontrolled points shall yield to traffic on the path.
- T. The multi-use trails shall be open to all members of the public.

§ 214-4241. Union Park and Veterans Memorial Green. [Added 7-1-2002]

- A. The City of Middletown recognizes the courage, dedication and sacrifice of those of its residents who have served in the Armed Forces of our country and wishes to reserve certain areas for monuments to honor that commitment. Accordingly, Union Park and Veterans Memorial Green are hereby designated as parks commemorating significant military events.
- B. The only monuments which may be placed in Union Park (South Green) or Veterans Memorial Green (Washington Terrace) shall be those honoring and/or commemorating significant military events. As used in this section, "monuments" shall include, but not be limited to, plaques, benches, sculptures or any structure, either natural or artificial, erected for commemorative and/or memorial purposes.
- C. The decision as to what monument will be placed on Union Park or Veterans Memorial Green shall be made by the Common Council after review by the City of Middletown Parks and RecreationPublic Works and Facilities Commission upon with the advice and recommendation of the City's Memorials Restoration Committee, the Middletown Council of Veterans, the Middletown Commission on the Arts, and the Middletown Design Review and Preservation Board.
- D. Any organization, entity, group, or person, using Union Park for other than a City of Middletown sponsored or co-sponsored event will be assessed a user fee of \$50.00 for each event day.
- E. Reservations for use of the park must be made through the Parks & RecreationPublic Works Department, at least one month prior to the event. All users must also have the proper insurance coverage, naming the City of Middletown as additional insured as defined by the City of Middletown's Risk Manager.

§ 214-42. Mandatory Law Enforcement Coverage.

- A. Any event(s) within the Public Works Department's property jurisdiction, including but not limited to: athletic events, concerts, fundraising events, carnivals, or any events, which the sponsor(s) anticipate a large crowd or gathering, Middletown Police Officer(s) will be hired for traffic control and/or security. The sponsor(s) of the event shall contact the Middletown Police Department for assessment, recommendation(s), and scheduling of law enforcement personnel required.
- B. The cost and hiring of Middletown Police Officers for an event will be the responsibility of the event applicant. The cost and payment for law enforcement coverage will be through the Middletown Police Department, and is the responsibility of the applicant.
- C. The Public Works Department reserves the right to require police officers at any given event. If police officers are required, the applicant will forward correspondence to the Public Works Department at least two weeks prior to the event, verifying Police have been hired. All applicable fees pertaining to the hiring of Police Officers will be the responsibility of the applicant.

§ 214-43. Athletic game curfew Smith Park, Pat Kidney Field, Hubbard Little League Park.

- A. Any teams using Smith Park, Pat Kidney Field, and/or Hubbard Little League Park, or any other area designated by the Public Works and Facilities Commission and Public Works Department, have a 10:00 p.m. curfew for games played. No game play is allowed after 10:00 p.m. unless authorized by the Public Works Director or his/her duly authorized designee.

§ 214-44. Public Works Department Policies and Authority.

- A. At the discretion of the Director of Public Works, or his/her duly authorized designee, any section or part of any park, facility or field may be declared closed to the public at any time and for any interval, daily or otherwise.
- B. Guidelines for Cancellation of Activity on Town Athletic Fields – Due to factors such as inclement weather and poor usage conditions, the City of Middletown, Public Works Director, or his/her duly authorized designee, reserves the right to cancel the use of a town park, facility or field.
- C. The Public Works Director, or his/her duly authorized designee may deny the use of a park, facility of field and/or require an activity to stop and the participants to vacate the area.

Examples of conditions, including but not limited to, that may require the alteration or the cancellation of an activity:

- (1) Severe weather storms
- (2) Footing is unsure and slippery
- (3) Ground is water logged and soft
- (4) Grass can be dislodged from the ground easily
- (5) Lightning
- (6) Standing puddles of water on the field
- (7) Unsafe facility conditions
- (8) Use proves to be destructive or detrimental to the site
- (9) Facility or site was not properly reserved by user

Teams, leagues, individuals and/or organizations that do not follow Public Works Department rules and policies will be subject to the following actions:

1. Forfeiture of future use of the City of Middletown, Public Works Department fields, parks, and recreational areas, as determined by the Public Works Director or his/her duly authorized designee.
 2. Monetary reimbursement by the individual who creates damage to a facility due to refusal to abide by the Public Works Department's request of cancellation.
- F. Right To Decline. The City of Middletown, Public Works Department in its sole and absolute discretion, reserves the right to decline rental, permits, and/or reservations of the parks, facilities or fields or to cancel rental, permits, and/or reservations of the parks, facilities, or fields.
- G. Permit Holder Priority. Persons not having a permit for the use parks, facilities or fields must give way at all times to permit holders.

ARTICLE IV. RECREATION FEES.

§214-45. Recreation activity fees; eligibility.

[Added 7-6-1993; amended 6-6-1994; 3-18-1996; 2-7-2000; 5-1-2000; 3-8-2001; 11-5-2007 by Ord. No. 33-07; 5-4-2009 by Ord. No. 19-09] Editor's Note: This ordinance also provided that it shall be effective 10-1-2010; 4-5-2010 by Ord. No. 51-10.

A. There shall be recreation activity fees to offset the costs associated with the operating of recreation programs and maintaining the parks and fields which are the responsibility of the Recreation and Community Services Department and Public Works Department. Recreational fees will be waived for senior citizens 60 years and older who are Middletown residents or nonresident Middletown taxpayers. Said fees will be reviewed and adjusted by the Common Council.

- (1) Tennis
- (2) Golf
- (3) Crew
- (4) Aquacise
- (5) Exercise
- (6) Swimming lessons for Children
 - (a) First child
 - (b) Second child, same family
 - (c) Third child and any additional children
- (7) Youth recreational programs
 - (a) GoodTime
 - (b) KidTime
 - (c) PlayTime
 - (d) GreatTime
 - (e) FunTime
 - (f) TeenTime

- (g) Sibling discount to attend summer youth recreational programs in Subsection A(7) (a) through (f). [Added 12-6-2010 by Ord. No. 86-10]
- (8) SummerTime
- (9) TotTime
- (9a) Fee for allowing nonresidents to attend summer youth recreational programs in Subsection A(7)(a) through (f) and Subsection A(8) and (9); registration start date May 15; no busing provided. [Added 12-6-2010 by Ord. No. 86-10]
- (10) Safety Town (resident and nonresident)
- (10a) TotTime/Safety Town same week combination fee: residents only [Added 12-6-2010 by Ord. 86-10]
- (11) Community Based Programs
- (12) Veterans Memorial Pool.
 - (a) Daily admission:
 - [1] Youth 3 to 17
 - [2] Adult 18 to 59
 - [3] Age 60 and over: no fee
 - (b) Seasonal family pass
 - (c) Seasonal individual pass
 - (d) Nonresident activity fees.
 - [1] Daily admission:
 - [a] Youth 3 to 17
 - [b] Adult 18 to 59
 - [c] Age 60 and over
 - [2] Seasonal family pass
 - [3] Seasonal individual pass
- (13) Reserved for Road races
- (14) (Reserved) Editor's Note: Former Subsection A(14) Ron McCutcheon car sticker, was repealed 12-6-2010 by Ord. No. 86-10.
- (15) Adult Softball League
- (16) Sunday Power Volleyball League
- (17) Adult Basketball League
- (18) Adult Coed Drop-In Volleyball Program
- (19) Youth Hershey Track and Field Meet
- (20) Lydia Lundberg Poetry Contest
- (21) Prof Gallitto Youth Basketball
- (22) Senior Walking Program
- (23) Senior Boat Cruise
- (24) Youth art contests
- (25) For each team participating in a Parks and Recreation Recreation and Community Service Department sponsored adult league: a team fee payable at the time of registration.
- (26) Replacement pass fee, for each participant who loses a Parks and Recreation and Community Service Department pass.
- (27) Santa suit rental fee. Revenues collected will be deposited into the Christmas Workshop Grant Account.

(28) Adult weightlifting [added 12-6-2010 by Ord. No. 86-10.]

B. Eligibility.

- (1) Unless otherwise indicated herein, recreation programs are for only those persons who reside in the City of Middletown, or are nonresident taxpayers of the City of Middletown, upon the payment of the respective amount herein set forth above. Participation shall be in accordance with the rules and regulations set forth by the ~~(Parks and Recreation Department)~~ Recreation and Community Services Department. Adult league (softball, basketball, Sunday power volleyball) participants must obtain a photo ID in accordance with the rules and regulations of each league. Proof of residency shall be a valid driver's license or Motor Vehicle Department photo ID.
- (2) The term "nonresident taxpayer" is hereby defined for the purposes of this section to mean an individual owning real estate in the City of Middletown who receives a real estate tax bill and whose tax billings are not in arrears.
- (3) Nonresident taxpayers, their spouses and children are eligible for all programs. However, the City will not transport nonresident participants to programs. Proof of nonresident taxpayer status shall be a current tax receipt.
- (4) Those persons not registering and paying the appropriate fee will not be allowed to participate in these programs.
- (5) Nonresidents may participate in leagues (softball, basketball, and Sunday power volleyball) sponsored by the ~~(Parks and Recreation)~~ Recreation and Community Services Department if they meet one of the following:
 - (a) A person who is attending college in Middletown on a full-time basis (12 credit semester hours). Proof: Must show a valid student ID or class registration receipt.
 - (b) A person who works in Middletown on a full-time basis for a local business, 32 hours per week, 52 weeks per year. Proof: Must show a valid pay stub with company name and address or have a letter from the company's personnel director.
- (6) Additionally, a team may have up to five nonresident players per softball team, three nonresident players per Sunday power volleyball team, and three nonresident players per adult basketball team, which nonresident players do not meet the criteria of Subsection B(5)(a) or (b) above.
- (7) Nonresident participant fees:
 - (a) Adult Softball League
 - (b) Sunday Power Volleyball League
 - (c) Adult Basketball League
 - (d) Swimming lessons for children (nonresident):
 - [1] First child
 - [2] Second child
 - [3] Third child and any additional children

C. Program fee waivers for City of Middletown residents only. [Amended 12-6-2010 by Ord. No. 86-10]

- (1) Fees for City funded recreational activities (Youth Day Programs) shall be waived by the ~~(Parks & Recreation)~~ Recreation and Community Services Department for underprivileged children. Underprivileged children are defined as children whose families are receiving cash assistance from the State of Connecticut Temporary Assistance to Needy Families program. Parents or guardians must provide a copy of their declaration sheet.
- (2) Parents or Guardians may apply to the State of Connecticut "Care Kids" program and/or any state program for child care assistance funding that will work in communication with the ~~(Parks & Recreation)~~ Recreation and Community Services Department. The ~~(Parks & Recreation)~~ Recreation and Community Services Department will work with the State to collect these funds from the State for those that qualify.

D. The ~~(Parks and)~~Recreation and Community Services Commission will determine whether any existing or new programs sponsored by the ~~(Parks and)~~Recreation and Community Services Department will be part of the annual recreation activity fee or subject to an individual fee.

ARTICLE ~~IV~~V. HARBOR MANAGEMENT

[Adopted 8-1-2005 by Ord. No. 08-05]

§Sec. 214-~~43~~46. Title; applicability; severability; enforcement.

- A. This article shall be known and may be cited as the "Harbor Management Ordinance."

- B. The provisions of this article and any rules and procedures adopted pursuant thereto shall be applicable and shall govern the use of the Middletown Harbor Management area as defined in this article.
- C. If any provision of this article is held invalid or inoperative, the remaining provisions shall continue in full force and effect.
- D. The Harbormaster and any Police Officer of the City of Middletown shall have full authority to enforce this chapter and cite any alleged violators of this article.
- E. Nothing herein contained shall bar or prevent the Harbormaster or any of his deputies from performing these duties which have been assigned to him in accordance with the General Statutes of the State.

§ Sec. 214-~~444~~7. Harbor Management Area

The Harbor Management Area (hereinafter “HMA”) for the purpose of this article and to define the jurisdiction of the Harbor Management Commission, is defined to include the following: Connecticut River, Sumner Brook, Mattabeset River and Coginchaug River.

§ Sec. 214-~~454~~8. Penalties for offenses; regulations established.

- A. Any violation of this article shall result in a fine as provided in **§214.36**. Each day in violation shall be considered a separate repeat offense and subject to separate citations. The provisions of this section are in addition to any penalties resulting in simultaneous violations of State or Federal Laws.
- B. Persons using any public facility and water area within the HMA shall assume all risk of personal injury and damage or loss to their property. The City of Middletown assumes no responsibility for losses due to accident, fire, theft, vandalism or acts of God.
- C. Each operator of a waterfront facility, each waterfront property owner and any other user of the HMA is responsible for maintaining his or her property and operation in a safe, clean attractive condition.
- D. Whether boating is permitted and the manner in which boats may be used shall be so posted. The operation of any vessel in any manner that unsafely interferes with free and proper uses of the HMA or endangers the users of the HMA or any property on, in or contiguous to the HMA is hereby prohibited.
- E. Vessel speed. The operation of any vessel, including personal watercraft, within the HMA in excess of established speed limits or in a manner to create an excessive wake shall be in violation of this section. The speed of all vessels in the HMA as defined in this chapter shall be limited to six miles per hour or to a speed that will not cause an excessive wake, whichever is the lesser speed. Any person operating a vessel within the HMA at such a speed as to cause a wake shall be held responsible for any damage caused by that wake.
- F. Damage to harbor facilities or other property. It shall be unlawful to willfully or carelessly destroy, damage, disturb, deface or interfere with any public or privately owned facility or property in the HMA.
- G. Obstruction of facilities. No boats of any kind shall be fastened to any City park pier or any City beach dock or any City crew dock or anchored in any area so as to prevent free access to such area. It shall be a violation of this article for any person willfully to prevent any other person from the lawful use of any assigned or public mooring, anchorage, pier, dock, boat launch or other marine facility. No vessel shall be moored or anchored so as to interfere with the free and unobstructed use of any channel, fairway or berthing space. Anchoring in the Federal Navigation Channel except for emergency or inspection purposes with specific authorization from the Harbormaster is prohibited. No docking after 2:00 a.m. is permitted without the prior written approval of the Harbormaster; provided, however, that such permission shall not be granted to dock for a period of more than seven consecutive days. No semipermanent or seasonal docking is permitted.
- H. Water-skiing is prohibited in the HMA.
- I. Swimming and underwater diving is prohibited in the HMA. Underwater diving is prohibited in the HMA except for emergency, maintenance or inspection purposes.
- J. Fishing in the HMA shall not impede navigation. Vessel based fishing within the designated channels, fairways or anchorage areas in a manner that provides a hazard to navigation is prohibited.
- K. Board sailing within the HMA in a manner that creates a hazard to navigation is prohibited.
- L. Use of vessels as abodes. Floating homes are prohibited from berthing or mooring in the HMA. The use of any vessel in the HMA as an abode or floating home is prohibited. Sleeping aboard transient vessels is permitted for maximum period of seven days unless such period is extended by special permission of the Harbormaster.

- M. Identification of vessels. All vessels (except transient vessels and tenders used to reach larger vessels) moored or tied up to wharves, piers or docks in the HMA shall maintain the following identification: Federal or Connecticut state registry number or Connecticut use decal registration as reported to the Harbormaster; a boat name as reported to the Harbormaster; the name, address and telephone number of the owner.

§ Sec. 214-4649. Mooring and Anchoring Vessels.

In accordance with state law and in order to provide for adequate access for vessels, for the safety of persons and property, for the protection of natural and historic resources and for the optimum use of the HMA, the Harbor Management Commission shall establish mooring fields with the HMA in the future as needed.

§ 214-47. Mandatory Law Enforcement Coverage.

- A. ~~Any event(s) within the Parks & Recreation Department's property jurisdiction, including but not limited to; athletic events, concerts, fundraising events, carnivals, or any events, which the sponsor(s) anticipate a large crowd or gathering, Middletown Police Officer(s) will be hired for traffic control and/or security. The sponsor(s) of the event shall contact the Middletown Police Department for assessment, recommendation(s), and scheduling of law enforcement personnel required.~~
- B. ~~The cost and hiring of Middletown Police Officers for an event will be the responsibility of the event applicant. The cost and payment for law enforcement coverage will be through the Middletown Police Department, and is the responsibility of the applicant.~~
- C. ~~The Parks & Recreation Department reserves the right to require police officers at any given event. If police officers are required, the applicant will forward correspondence to the Parks & Recreation Department at least two weeks prior to the event, verifying Police have been hired. All applicable fees pertaining to the hiring of Police Officers will be the responsibility of the applicant.~~

§ 214-48. Athletic game curfew Smith Park, Pat Kidney Field, Hubbard Little League Park.

- A. ~~Any teams using Smith Park, Pat Kidney Field, and/or Hubbard Little League Park, or any other area designated by the Parks & Recreation Commission and Parks & Recreation Department, have a 10:00 p.m. curfew for games played. No game play is allowed after 10:00 p.m. unless authorized by the Park & Recreation Director or his/her duly authorized designee.~~

§ 214-49. Parks & Recreation Department Policies and Authority.

- A. ~~At the discretion of the Director of Parks & Recreation, or his/her duly authorized designee, any section or part of any park, facility or field may be declared closed to the public at any time and for any interval, daily or otherwise.~~
- B. ~~Guidelines for Cancellation of Activity on Town Athletic Fields — Due to factors such as inclement weather and poor usage conditions, the City of Middletown, Parks & Recreation Director, or his/her duly authorized designee, reserves the right to cancel the use of a town park, facility or field.~~
- C. ~~The Parks & Recreation Director, or his/her duly authorized designee may deny the use of a park, facility of field and/or require an activity to stop and the participants to vacate the area.~~

~~Examples of conditions, including but not limited to, that may require the alteration or the cancellation of an activity:~~

- ~~(1) Severe weather storms~~
- ~~(2) Footing is unsure and slippery~~
- ~~(3) Ground is water logged and soft~~
- ~~(4) Grass can be dislodged from the ground easily~~
- ~~(5) Lightning~~
- ~~(6) Standing puddles of water on the field~~
- ~~(7) Unsafe facility conditions~~
- ~~(8) Use proves to be destructive or detrimental to the site~~
- ~~(9) Facility or site was not properly reserved by user~~

~~Teams, leagues, individuals and/or organizations that do not follow Parks & Recreations Department rules and policies will be subject to the following actions:~~

- ~~1. Forfeiture of future use of the City of Middletown, Parks & Recreation Department fields, parks, and recreational areas, as determined by the Parks & Recreation Director or his/her duly authorized designee.~~
- ~~2. Monetary reimbursement by the individual who creates damage to a facility due to refusal to abide by the Parks & Recreation Department's request of cancellation.~~

- F. ~~Right To Decline. The City of Middletown, Parks & Recreation Department in its sole and absolute discretion, reserves the right to decline rental, permits, and/or reservations of the parks, facilities or fields or to cancel rental, permits, and/or reservations of the parks, facilities, or fields.~~
- G. ~~Permit Holder Priority. Persons not having a permit for the use parks, facilities or fields must give way at all times to permit holders.~~

Agenda Item 9H

Councilman Berch reads and moves for approval agenda item 9H; his motion is seconded by Councilman Faulkner. The Chair calls for discussion; hearing none, he calls for the vote. It is eleven aye votes by Council Members Serra, Klattenberg, Bartolotta, Daley, Santangelo, Kasper, Faulkner, Pessina, Bibisi, Berch, and Kleckowski; and one abstention by Councilwoman Salafia. The Chair states the matter passes with eleven affirmative votes and one abstention.

Resolution No.154-13

File NamefiCNRforPWPlan – 2013-14

DescriptionApproving the Public Works Department CNR Plan for fiscal year 2013 – 2014, totaling \$750,000, as presented in the resolution.

(Approved)

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That the Public Works Department CNR Plan for 2013-14 is approved as follows:

<u>Department</u>	<u>Allocation</u>	
(2) Model 7400 Work Star International Truck w/Plow and		
Sander	\$363,000	
(1) Elgin Pelican 3 Wheel Sweeper	\$180,000	
(1) John Deere Payloader, Model 544	\$170,000	
(1) Concord Conveyor Truck Unloader	\$10,000	
Snow Plow Replacement	\$19,500	
Bonding/Legal Fees	\$7,500	
Total Bond Ordinance Appropriation	\$750,000	

Fiscal Impact: A bond authorization will need to be approved to support these capital purchases. Debt/interest payments will impact the General Fund for 11 fiscal years.

Agenda Item 9I

Councilman Klattenberg reads and moves for approval agenda item 9I; his motion is seconded by Councilman Pessina. There is no discussion. The vote is called and it is ten aye votes by Council Members Serra, Klattenberg, Bartolotta, Daley, Santangelo, Kasper, Faulkner, Pessina, Bibisi, and Berch; and one nay votes by Councilwoman Salafia and one abstention by Councilwoman Kleckowski. The Chair states the matter passes with ten affirmative votes; one negative and one abstention.

Resolution No.155-13

File NamefiCNRPlan – 2013-14

DescriptionApproving the City’s CNR Plan for fiscal year 2013 – 2014, totaling \$950,000, as presented in the resolution.

(Approved)

Whereas, at the September 2013 Meeting of the Common Council, an appropriation up to \$950,000 was approved for the 2013-14 CNR Plan; and

Whereas, departments have submitted requests, and they have been prioritized based on available funding.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That the 2013-14 CNR Plan be approved as follows:

Central Communications

Voice Recorder System	\$	29,500
Transmitter	\$	15,000
TOTAL	\$	44,500

Emergency Management

EM Vehicle	\$	<u>21,000</u>
TOTAL	\$	21,000

Finance

Office Furniture/Equipment	\$	<u>12,000</u>
TOTAL	\$	12,000

General Counsel

Office Equipment/Copier	\$	<u>12,000</u>
TOTAL	\$	12,000

Health Department

Health Inspector Vehicle	\$	<u>15,000</u>
TOTAL	\$	15,000

Information Technology Department

Replacement Servers	\$	57,750
Software Programming/GIS/Upgrades	\$	85,500
Replacement of Municipal PCs	\$	160,000
Furniture and Office Equipment	\$	<u>10,000</u>
TOTAL	\$	313,250

Library

Public PCs	\$	15,000
Staff PCs	\$	6,000
Security Cameras and Panic Buttons	\$	<u>9,000</u>
TOTAL	\$	30,000

Mayor's Office

Office Furniture/Equipment	\$	<u>10,000</u>
TOTAL	\$	10,000

Misc. Small Dept CNR.

Miscellaneous	\$	<u>37,450</u>
TOTAL	\$	37,450

Parks

2 commercial mowers w/ side discharge, snow blower, broom attachments	\$	<u>74,000</u>
TOTAL	\$	74,000

Police Department

Police Vehicles/Accessories	\$	340,000
Computer Software/Equipment	\$	11,000
Gas Pump Replacement	\$	<u>14,000</u>
TOTAL	\$	365,000

Recreation

Individual storage units for camps, portage	\$	1,000
Refrigerator	\$	1,000
Copier	\$	<u>12,000</u>
TOTAL	\$	14,000

Public Works

Vacuum Cleaners	\$	<u>1,800</u>
TOTAL	\$	1,800

GRAND TOTAL CNR FY 13/14**\$ 950,000**

Agenda Item 9J

Councilman Santangelo reads and moves for approval agenda item 9J; his motion is seconded by Councilman Faulkner. There is no discussion; the Chair calls for the vote and it is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously with twelve affirmative votes.

Resolution No. 156-13**File Name pd locipappcarpetreplacement****Description Approving authorizing the Mayor to sign an application with the State of Connecticut for \$65,000 from the Local Capital Improvement Program for the carpet replacement at the Police Department and approving a new Capital Improvement line item 3560-18000-57030-0000-30184-2013, Carpet Installation in the amount of \$65,000.****(Approved)**

WHEREAS, the carpet in the Police Department was originally installed when the building was constructed in 1999, and with the exception of the Detective and Youth Bureaus, the carpeting has not been replaced; and

Whereas, the carpeting throughout the building is damaged and worn and requires replacement; and

Whereas, an estimate from an approved State of Connecticut vendor has been received in the amount of \$65,000 to replace the carpeting in the building; and

Whereas, the cost includes carpet replacement in the following areas of the building: Major Investigations, Special Investigations, Street Crime, Administration, Community Room, two Conference Rooms, Records, Explorer Room, and Lieutenants' office areas.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That Mayor Daniel T. Drew be authorized to sign an application to the State of Connecticut for \$65,000 from the Local Capital Improvement Program (LoCIP) for the carpet replacement at the Police Department; and

AND BE IT FURTHER RESOLVED: That a new Capital Improvement line item, 3560-18000-57030-0000-30184-2013-000, Carpet Installation, in the amount of \$65,000 be authorized.

Agenda Item 9K

Councilman Faulkner reads and moves for approval agenda item 9K; his motion is seconded by Councilman Santangelo. There is no discussion. The Chair calls for a vote and it is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously with twelve affirmative votes.

Resolution No. 157-13**File Name fdlocipappforthermalcameras****Description Approving authorizing the Mayor to sign an application with the State of Connecticut for \$40,000 for the Fire Department to purchase two new thermal imaging cameras and upgrade to the technology of the Department's existing three cameras, and approving a new Capital Improvement line item entitled Fire Department Thermal Imaging Cameras in the amount of \$40,000.****(Approved)**

Whereas, the Middletown Fire Department is in need of updating its Thermal Imaging Technology and adding two cameras for Department use; and

Whereas, the thermal imaging technology has improved to allow for cold tracking in addition to heat signatures; and

Whereas, the Middletown Fire Department does not have enough thermal imaging equipment for each of its companies; and

Whereas, the Middletown Fire Department does not currently possess any thermal imaging equipment that can detect cold signatures.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That Mayor Daniel T. Drew be authorized to sign an application to the State of Connecticut for \$40,000 from the Local Capital Improvement Program (LOCIP) to purchase two new thermal imaging cameras and upgrade the technology for the Department's existing three cameras; and

BE IT FURTHER RESOLVED: That a new Capital Improvement line item entitled Fire Department Thermal Imaging in the amount of \$40,000 be created.

Agenda Item 9L

Councilman Serra reads and moves for approval agenda item 9L; his motion is seconded by Councilman Serra.

Councilman Klattenberg states during the questions to directors, it is his understanding \$42,000 is dedicated to Arcade infrastructure, repairs, and demolition and when we discussed Item N, it is appropriating an additional \$125,000 for weatherproofing the top layer of the Arcade. From the discussion at Finance and Government, there

is a strong opinion about the future of this parking garage. He has been around on the Council that there has been at least 3 attempts to make it usable for several years and each time an appropriation has been made to extend the life of a garage, we are consistently saying we will make a decision on the garage. It is time to take it down and solve the problem. There are some opportunities available to the City, but a plan could be put in place and find ourselves with much less liability; he will not vote for this unless the maker of the motion will remove the \$42,000.

Councilman Berch states he has been going back and forth on this and is not as close to being on the Council as many years as many of his peers; if they remove the \$42,000 from the resolution because of the \$125,000, I would agree with Councilman Klattenberg. I understand we have a parking problem and we should close the bottom part of this facility and look at a time line not to burn the businesses downtown for the holidays. He will not support this as well.

Councilman Serra states he disagrees with his colleagues. This is a safety issue of the individuals who are parking in the Arcade and frankly it is shortsighted. We are all part of this and our inaction on this. It has been going on for six or seven years. We all agree it should be taken down, but in the meantime we need to make it safe. We need to have a plan for the people who park there right now. Those things have to be done. If it comes to pass to tear it down, fine. Presently we need to fix it so that it is safe for our citizens. He will support this one and N.

Councilwoman Kasper agrees with Councilman Serra; there have been many claims before Insurance and Claims and we have the report from the engineer that there are areas that are unsafe and need immediate attention. Unless we close the garage tomorrow, she will support this resolution.

Councilman Pessina states like he said to the directors and Councilman Serra does bring up a good point. If we vote to demolish it, it will not happen tomorrow and tomorrow will be D-day. He will support the band aide for the safety of our residents and users of the garage. He throws out to the Economic Development, during your next term look for a private/public funding partnership. We need to do this and make the repairs to lessen our liability.

Councilman Bibisi states we have been working on this Arcade since 1998; we spent over \$100,000 in 1998 and we are now up to over \$300,000 and it is still bleeding and we have not stopped the bleeding with all the repairs we have done to this point. We just had a hunk of cement come off the beam and hit a Mercedes downstairs and we shut down 20 or 30 spaces. It is time to take this down. He will not support this.

Councilman Daley states he shares the frustrations on the time and money spent on the Arcade. He was the chair of parking study committee six or 8 years ago and looking at ways to use set aside funds that came to the City. We had the committee recommend placement of the garage and lost time because the City looked at another location at Melilli Plaza and we lost close to two years. It is frustrating and Councilman Serra's points are key. We have to have a plan and know what we are doing and a plan is not ready to go and we need to provide a safe place for people to park. It is unfortunate to spend the money, but we do not have an immediate alternative. We need to spend the money to make it safe and useful until we have a specific plan. He will support this resolution and 9N and make it clear, we are not looking to extend the life of the garage. We know there is a need to replace it, but we have to make stop gap temporary repairs.

Waive the Rules

Councilwoman Bartolotta moves to waive the rules and allow the Director to speak. Councilman Serra seconds the motion. The Chair calls for the vote and it is unanimous to approve with twelve aye votes. The Chair asks Geen Thazhampallath to come forward.

Councilwoman Bartolotta states listening to both sides of the argument, can we shut below off and utilize the top until we have a plan in place; would there be enough parking or would we be short on parking. Mr. Thazhampallath responds it is structurally sound. The need to address the issues for public safety is paramount. We have had pieces of structure come down. I could close the lower level, but I have to create space in Melilli in order to deal with daily parkers. We have hundreds of transactions at the arcade during heavy court days. We couldn't rush into that. It would have impact on the downtown. People will start to park on Main Street and we like to keep parking flowing. We will have to do a lot of thinking. Councilwoman Bartolotta asks how long the repairs will take and can it be closed off until they are done. Mr. Thazhampallath states they have made plans to close it down. We are using it currently going into the winter season and will take it into deep consideration. They are looking for a report in a few weeks and they will have a new design in November.

The Chair asks him to explain the cost to demolish it right now and the cost of making repairs. Mr. Thazhampallath states the demolition will cost about \$300,000 and they would have to invest further funds for a flat parking area and that would be another \$300,000 with appropriate accessibility for the disabled. The Chair states it would be \$150,000 for repairs and \$600,000 to tear it down and build a lot. Councilwoman Bartolotta states I thought it was \$300,000 to demolish. Mr. Thazhampallath states it is to demolish, but they would have to put in some level of parking there and he would have to invest another \$300,000 for the lot. He explains the costs again. In the interim, doing the fixes in the report and weatherproofing it, it will get us to the point with confidence on safety. Councilwoman Bartolotta states \$300,000 to demolish and removal. Mr. Thazhampallath responds they will hire a demolition firm to take the building down and clear the lot and make it look flat. Councilwoman Bartolotta states you could do a gravel lot. Mr. Thazhampallath states to make it accessible, put in lights and pave, change the grade to meet Court Street, it would cost \$300,000. Councilwoman Kasper states if we use just the top floor do we have it in writing that it is doable. Mr. Thazhampallath responds no we do not. Councilwoman Kasper asks if he can get that, Mr. Thazhampallath responds yes. Councilman Klattenberg states the line item in this resolution says demolition and why does it say that. Mr. Thazhampallath states to cover all possibilities. Councilman Klattenberg states there was no demolition plan. Mr. Thazhampallath replies no; he did ask the consulting firm for three prices, firm numbers. He will get them in three to 4 weeks for our options. The first option cost is \$45,000 - \$50,000; the second is weatherproofing would include the \$45,000 and would be an additional \$125,000 and the third is demolition and creation of the lot which would be around \$600,000. Councilman Klattenberg states what would you do with \$45,000; Mr. Thazhampallath replies what is listed in the

report. Councilman Klattenberg asks if it is stabilizing or reseaming the joints. Mr. Thazhampallath replies it is replacing guard rails and includes immediate safety concerns. They will not solve the problems downstairs. Councilman Klattenberg states it will solve upstairs. And the \$125,000 is resurfacing the top layer. Mr. Thazhampallath states from the top level, there is water going down. It is not sealing just the ceiling downstairs, but sealing the top layer. Councilman Klattenberg states the \$42,000 will not solve the problems at the arcade. Mr. Thazhampallath states I can't say that you would not see claims coming to the City. Councilman Serra states \$600,000 to demolish and \$167,000 to make it safe. The other part as well is the loss of revenue. Parking has given the City well over 1/10 of a mill. Let us not lose sight of the safety and there is a loss of revenue as well. That needs to be in the mix. Dollars and cents \$600,000 to demolish or \$167,000 to make it safe and do our due diligence to get it done.

Councilwoman Salafia asks about the lower level; Mr. Thazhampallath responds the garage is open and functional and there are concrete barriers to prevent people from parking where the seepage was occurring. They have worked closely with the Risk Manager; they have specific walkways and every step we have taken, we have taken to make the problems better. The structure will not fall down and it is useful. There are 12 to 15 items they have to do right away. Councilwoman Salafia asks where the \$42,000 is. The Chair states there are two resolutions and the only one before you is \$42,000.

Councilman Pessina states if we fund this, what is your target date. Mr. Thazhampallath states we will push it asap. Getting these steps taken and the process, we will jump where we can. He would like it done before winter. Councilman Pessina states the other thing, when you get the report, will you share it with us for planning for the future.

Councilman Berch states contrary to Councilman Serra, if safety is an issue, close it and knock it down. As far as parking, finding alternates, you said you could find them. It is an inconvenience. Find a place to have them park and whatever the will of the Council. We are fixing it to take it down and if safety is an issue on the upper deck, then do it. The Chair asks if there is a question.

Councilman Faulkner emphasizes that Insurance and Claims has addressed this a long time and insisted that barricades be put there to block people from parking and you should calculate lost revenue. It is not just cars down there. You need to do the repairs right now. He wants to emphasize that there are offices down there that operate in that alley and that is part of the corridor. He will be voting to fix this thing and the point is this is it; we have to take care of it.

The Chair states Geen and Bill Warner have been working on this and there are a lot of issues going into the design. There are safety issues for the public and Police Department. It is on our radar screen and there are complications on the federal money and we are working on it.

Councilman Santangelo after listening, there is no question something needs to be done. Going back to Councilman Daley about the parking study. We knew we were talking about replacing the garage. There is no question it has to come down. In order to do this program, we have to plan long range; Councilman Berch, I agree with, but if we do the repairs, it is safety and there is car and pedestrian traffic and this discussion creates a liability for the City. What we need to do is make sure nothing else happens as well as we can. We can prevent any further problems and what slows this down is what will happen tonight and what will happen tomorrow. We are not going to knock it down tomorrow; it would be after January. This requires planning and it will not happen quickly. I will support this resolution and 9N. He had a conversation long ago and no matter where you go you will have problems for parking. We have parking, but it switches during the day. This has to be well thought out before it is knocked down. We need to prevent anything else happening.

The Chair asks if there is any further discussion; hearing none, he calls for the vote. It is nine affirmative votes by Council Members, Serra, Bartolotta, Daley, Santangelo, Kasper, Pessina, Salafia, Berch, and Kleckowski; and three nay votes by Council Members Klattenberg, Faulkner, and Bibisi. The Chair states the matter passes with nine affirmative votes and three negative votes.

Resolution No.	158-13
File Name	pkParkingFundfiscalyear - 2014
Description	Approving the budget lines in the Parking Services in conjunction with the Parking Advisory Committee and Finance Department to include two new lines entitled Access Control Technologies & Infrastructure in the amount of \$75,000 and Arcade Infrastructure Repairs & Demolition in the amount of \$42,000.

(Approved)

Whereas, the City of Middletown Parking Fund was created by the City of Middletown Ordinance 10-09 in April 2009;

Whereas, the Ordinance 10-09 requires that anticipated expenditures from the Parking Fund be reviewed by the Parking Advisory Committee and approved by the Common Council;

Whereas the Parking Fund will receive \$117,000 dollars from the General Fund as the 2013FY profit sharing allocation to be utilized for parking improvements, maintenance, infrastructure, repairs, parking related IT needs, meters, public safety items, enforcement tools, projects and other miscellaneous service related needs;

Whereas, the Director of the Department proposes the additional expenditure budget lines for the 2014 Fiscal Year as approved by a 5-0 vote by the Parking Advisory Committee at its September 17, 2013 meeting:

Access Control Technologies & Infrastructure (New Line)	\$75,000.00
Arcade Infrastructure Repairs & Demolition (New Line)	\$42,000.00

Now, Therefore, Be it Resolved by the Common Council of the City of Middletown: that the proposed budget lines for the City of Middletown Parking Fund, as outlined above and prepared by the Director of the Parking

Services Department in conjunction with the Parking Advisory Committee and the Finance Department, be approved.

Agenda Item 9M

Councilman Klattenberg reads and moves for approval agenda item 9M; his motion is seconded by Councilman Pessina. Councilman Klattenberg publicly acknowledges Jan Cummingham for putting all application language together and working with Silver and Petrucelli to put it in a format acceptable for the historic preservation grant. He also thanks Joe Samolis; the tax credits at the end of the project when they become available it should be close to this amount. The Chair states for the public he states \$1,283,000 will be paid for this project and cost the taxpayer less.

The Chair calls for the vote; it is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously.

Resolution No.	159-13
File Name	ccEckersleyhalltaxcreditrevenueitem
Description	Approving creating a new revenue line item in the Eckersley-Hall bond ordinance to provide for projected revenue of \$1,283,044.75 for tax credits upon the completion of the project.

(Approved)

WHEREAS, the State Historic Preservation Office (SHPO) has notified the City that a preliminary certification and reservation of Tax Credits has been approved and a tax credit reserved in the amount of \$1,283,044.75 for the renovation of Eckersley-Hall; and

WHEREAS, upon completion of the project the City will complete the Request for Final Certification of Completed Rehabilitation will be filed showing the total qualified rehabilitation expenditures from the project.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That a new revenue line item be created in the Eckersley-Hall Bond Ordinance for the projected revenue of \$1,283,044.75 for the tax credits; said funding would offset the bond appropriation.

Agenda Item 9N

Councilman Serra reads and moves for approval agenda item 9N; Councilman Pessina seconds the motion.

Councilman Serra states ditto again; his comments on the subject remain the same.

Motion to Amend

Councilwoman Kasper states she would like to amend the resolution in paragraph 4, where it states "WHEREAS, Finance and Government Operations voted three to two to move forward with the repairs that would substantially mitigate claims against the City and extend the life of the Arcade to 5 to 9 years," she would like to remove the words "extend the life of the Arcade to 5 to 9 years." Councilman Daley seconds the motion to amend. The vote is called and it is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously with twelve affirmative votes.

The Chair calls for discussion on the underlying motion; hearing none, he calls for the vote. It is eight aye votes by Council Members Serra, Daley, Santangelo, Kasper, Faulkner, Pessina, Salafia, and Kleckowski; three nay votes by Council Members Klattenberg, Bibisi, and Berch and one abstention by Councilwoman Bartolotta. The Chair states the matter passes with eight affirmative votes, two in opposition and one abstention.

Resolution No.	160-13
File Name	ccarcaderepairresolution
Description	Approving weather and waterproofing the levels and resurfacing the top level of the City's Arcade Parking area for a cost not to exceed \$125,000.

(Amended and Approved)

WHEREAS, the City's Arcade is in need of repair while discussions continue regarding its replacement; and

WHEREAS, the Parking Department will do immediate repairs to keep both decks of the Arcade functional, but will not eliminate concrete residue or water seepage in the lower deck; and

WHEREAS, weather and waterproofing the levels and resurfacing the top level may drastically reduce the lower level claims, but is no absolute guarantee that no seepage would occur; and

WHEREAS, Finance and Government Operations voted three to two to move forward with the repairs that would substantially mitigate claims against the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That the Council approves that further repairs of the arcade to include weather and waterproofing and resurfacing the top level be performed for a cost not to exceed \$125,000; and

BE IT FURTHER RESOLVED: That the Council will consider and act upon the appropriation request for these repairs at the November meeting.

The Chair states there are no contingency fund transfers or appointments; there are no directors for questions. Councilwoman Salafia is recognized and states she has a question about the passage of the bonding ordinance and how can we have a plan without any funding. The Chair responds the vote will be October 10.

Motion to Adjourn

The Chair asks for a motion to adjourn. Councilman Serra moves to adjourn and is seconded by Councilman Klattenberg. The vote is unanimous with twelve aye votes. The Chair declares the meeting adjourned at 8:43 p.m.

ATTEST

MARIE O NORWOOD
Common Council Clerk